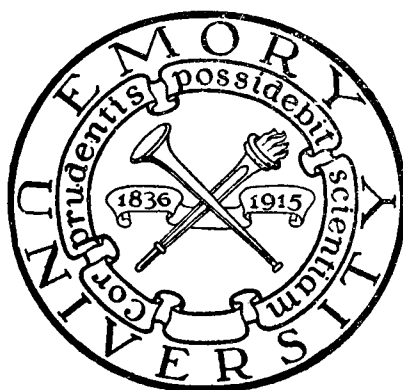


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JOURNAL.

SENATE CHAMBER, ATLANTA, GA.,
Wednesday, January 13, 1869.

The Senate convened this day in annual session, and was called to order by the President, Hon. Benjamin Conley.

Prayer by the Right Rev. Bishop Charles T. Quintard.

On a call of the roll, the following Senators answered to their names, to wit :

Messrs. Adams, Adkins, Anderson, Burns, Candler, Colman, Dickey, Fain, William Griffin, **Harris**, Higbee, Hinton, Hungerford, Jones, Jordan, Lester, Merrill, McArthur, McWhorter, Moore, Nunnally, Richardson, Sherman, W. C. Smith, Speer, Stringer, Wellborn, Welch, Winn and Wooten.

Mr. Speer offered the following resolution, which was taken up, read and adopted, to wit :

Resolved, That the Secretary inform the House that the Senate is now organized, with a quorum, and ready to proceed to business.

Mr. McArthur offered the following resolution, which was adopted, to wit :

Resolved, That the Senate do now proceed to draw for seats in accordance with the usual custom.

The following message was received from the House of Representatives, by Mr. Hardin, their Clerk :

Mr. President : The House of Representatives having a quorum present, is now ready to proceed to business.

They have appointed Messrs. McCullough, Cobb, Sisson, Grimes and Daniel a Committee, on part of the House, to

join such Committee as the Senate may appoint to wait upon His Excellency the Governor, and inform him that both Houses are in session, and ready to receive any communication he may desire to make.

Messrs. Nunnally, McWhorter and Wooten were appointed a Committee on the part of the Senate, to join the Committee on the part of the House of Representatives, to wait on His Excellency the Governor, and inform him that both branches of the General Assembly had convened, and were ready to receive any communications he might have to make.

On motion, the Secretary was directed to transmit the action of the Senate forthwith to the House of Representatives.

Mr. Speer offered the following resolution, which was adopted, to wit:

Resolved, That the Messenger, under the direction of the President of the Senate, furnish accommodations for reporters of the Press, either upon the floor or in the gallery.

Mr. Speer also offered the following resolution, to wit:

Resolved, That the President of the Senate appoint a Committee of three to revise the rules adopted for the government of the Senate at the last session.

On motion of Mr. McArthur, the resolution of Mr. Speer was amended so as to read "a Committee of five" instead of "three," and the resolution, as amended, was adopted.

The Chair announced as the Committee under the foregoing, Messrs. Speer, Nunnally, Harris, Wooten and Candler.

On motion of Mr. Burns, the Senate then adjourned until Friday next, at 12 o'clock, M.

SENATE CHAMBER, ATLANTA, GA.,

Friday, January 15, 1869.

The Senate met pursuant to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Prettyman.

The roll was called, and the Journal of Wednesday read and approved.

Honorable Senators Bowers, Corbitt, Collier, Graham, Gignilliat, Joshua Griffin, Holcombe, Jordan, McCutchen and Milton C. Smith appeared and took their seats.

Mr. Hungerford offered the following resolution, which was laid on the table, to wit :

Resolved, That Senators McCutchen and Corbitt be allowed the privilege of choosing any seat in the Senate Chamber, and that the Senate proceed to re-draw for seats.

Mr. Nunnally, from the Joint Committee appointed to wait on his Excellency, the Governor, reported that the Committee had performed the duty assigned them, and that his Excellency would communicate his Annual Message, with accompanying documents, at an early moment.

The following message was received from his Excellency the Governor, by Mr. Davis, his Secretary, to wit :

Mr. President :

I am directed by the Governor to deliver to the Senate, a message in writing, with accompanying documents.

On motion of Mr. Higbee, the Message was taken up and read, as follows :

EXECUTIVE DEPARTMENT,
Atlanta, Ga., January 13th, 1869.

To the Senate and House of Representatives :

Upon the assembling of Congress on the 7th of December last, being the earliest opportunity afforded for the purpose, the following communication was presented to that body :

" To the Congress of the United States :

" Having, as Provisional Governor elect, under the Reconstruction Acts, been authorized—by " An Act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama and Florida, to representation in Congress"—which act became a law June 25, 1868—to convene the Provisional Legislature of Georgia; and having, by

proclamation, under date June 25, 1868, acted upon that authority: and having, on the fourth of July, 1868, been appointed Provisional Governor of Georgia, by Major General George G. Meade, commanding the Third Military District, under and by virtue of the power vested in him by the Reconstruction Acts, I deem it my official duty to represent to your honorable body that the laws under which the State of Georgia was to have been admitted to representation in Congress have not been fully executed: and to present for your consideration the reasons which lead me to this conclusion.

“By section VI of ‘An Act for the more efficient government of the rebel States,’ among which States is enumerated the State of Georgia, it is provided that ‘until the people of said rebellious States shall be by law admitted to representation in Congress, any civil government which may exist therein shall be deemed provisional only.’ The government of the State has, therefore, been, and must continue to be, provisional, until the conditions required by the Act which became a law June 25, 1868, shall have been complied with by a Legislature organized in accordance with the Reconstruction Acts previously adopted.

“By section IX of the supplementary Reconstruction Act, passed July 19, 1867, it is required that, ‘all persons hereafter elected * * to office in said Military Districts * * shall be required to take and subscribe the oath of office prescribed by law for officers of the United States.’

“The Government having been Provisional at the time of the assembling of the Legislature referred to, the law, therefore, required that such persons only as were eligible under the Reconstruction Acts, should be permitted to participate in the necessary provisional legislation precedent to recognition as a State. The fact, however, is that all the candidates for the General Assembly who had received the highest number of votes, were, without regard to their eligibility under the law, permitted to take seats in the provisional legislative body, and to participate in the organization and legislation thereof—having first been

simply invited to take an oath prescribed in the new Constitution, which Constitution had not at that time become, and under the law could not then be, of force.

“The result of this failure to execute the law has been a defeat of the purposes which Congress had in view when passing the Acts—these purposes having been the establishment of a loyal and Republican State Government, affording adequate protection for life and property, the maintenance of peace and good order, and the free expression of political opinion.

“The wise discernment displayed by Congress, in requiring by its legislation that none but those who were loyal should participate in the establishment of a provisional government which was thereafter to be clothed with the rights and immunities of a State in the Union, charged with the care and protection of the lives and property, and the civil and political rights of its citizens, is made the more apparent by the consequences which have ensued from this failure in the enforcement of that legislation.

“I would, therefore, respectfully invite the attention of your honorable body to this subject, and ask that such steps be taken as may to you seem wise and proper for the obtaining of full information in relation thereto; and to the end that loyalty may be protected and promoted by the enforcement of the laws enacted by the Representatives of the American people.

“RUFUS B. BULLOCK.

“By the Governor :

“EUGENE DAVIS, Executive Secretary.”

By the adoption of resolutions by your honorable body, setting forth, in effect, that persons were ineligible to membership under the Act of June 25, 1868, which prescribed the conditions imposed by the proposed amendment to the Constitution, known as Article Fourteen, which persons, it was admitted, had taken an official oath to support the Constitution of the United States, and afterwards gave aid and comfort to the enemies thereof by holding a commission under a State engaged in rebellion against the United States, and aiding, in various other ways, the enemies of

that Government; and, subsequently, by your action in excluding from your body a large number of citizens of the State and of the United States who had been duly elected and seated, and who participated in the adoption of the fundamental conditions imposed by Congress—members, too, without whose votes those conditions would not have been adopted; and your body having based that action upon your deliberate judgment, that under the Constitution and laws of this State persons having a certain portion of African blood in their veins were not eligible to office; and such action being in very marked contrast with the policy and with the spirit of the Reconstruction Acts of Congress, attention was naturally directed to a careful examination of the law and to the manner of its execution to ascertain how it was possible that these results could follow the adoption of the policy of Congress by a large majority of the body politic. The result of this examination is embraced in the view presented to Congress.

It is therein alleged that if there had been a literal execution of the law, the primal Legislative organization would have been limited to those who could swear that they had never voluntarily borne arms against the United States, and had never sought, nor accepted, nor attempted to exercise, the functions of any office whatever under any authority or pretended authority in hostility to the same.

Such a body, when it should have adopted the conditions precedent to the admission of the State to representation in Congress, would rigidly examine the claims to eligibility of such other members as might apply for seats under the Constitution of the State and that of the United States—when Legislative action should have vitalized the State Constitution; and it is reasonable to suppose they would not admit to seats persons who fell under the disability imposed by the Act of June 25th, 1868, and by the Fourteenth Amendment.

The result of this careful observance of the letter and the intent of the law would, it is believed, have prevented the subsequent Legislative action, which, so far as it may be permitted to stand, has virtually overthrown the wise

policy inaugurated by Congress—a policy so lately and so fully endorsed by the American people at the ballot-box.

The position taken in my communication to Congress, as to the requirements of the Reconstruction Acts, is founded upon the following official opinion of the Major General who, under those acts, commanded the Third Military District—which opinion was announced previous to the election of members of the General Assembly, and by which all persons were put upon notice as to what would be required:

[From the Atlanta New Era, April 29, 1868.]

“As the question of eligibility under the new Provisional Government is now one of great interest, we have been at some pains to place before our readers an official opinion upon this point.

“A person who had never held an office before the war, but who voluntarily aided and abetted the rebellion by holding a civil office at one time during the war, sought the opinion of the Commanding General as to whether he would *now* be eligible if elected.

“We give below the official opinion, by which it will be seen that the test oath will be required.

“Congress will, however, no doubt pass an enabling act, relieving persons who, in good faith, desire restoration of the Union, (and who have proved their faith by their works,) from the operation of the ninth section, and of other disabilities, which would otherwise prevent them from aiding in restoration.

“HEADQUARTERS THIRD MILITARY DISTRICT,
Department Georgia, Alabama and Florida, }
ATLANTA, GA., April 15, 1868.

“The sixth section of the first Reconstruction Act of Congress declares ‘That until the people of said rebel States shall be, by law, admitted to representation in the Congress of the United States, any civil government which may exist therein shall be deemed provisional only,’ &c.

“Under the provisions of the fifth section of the same act, ‘the people of said State cannot be admitted to rep-

resentation in Congress until they shall have ratified the Constitution submitted to them under the Reconstruction Acts, and Congress shall have approved the same; and until said State shall have adopted the amendment to the Constitution of the United States, proposed by Congress, known as Article 14, and said Article shall have become a part of the Constitution of the United States.' These and other provisions of the Reconstruction Acts clearly show that whatever government may exist in Georgia, before the fulfillment of the above conditions, must 'be deemed provisional only.' The ninth section of the Supplementary Reconstruction Act, passed July 15, 1867, 'requires all officers elected or appointed under the Provisional Government of a State to take and subscribe the oath of office prescribed by law for officers of the United States.' This makes a condition of eligibility to office under a Provisional Government very materially different from either eligibility to registration as a voter, or eligibility to office under the provisions of the proposed Constitutional Amendment.

"Before entering upon his duties, a Provisional officer is required, among other things, to swear that he has neither sought nor accepted, nor attempted to exercise, the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States.

"Mr. ——— held office under the authority of the State of Georgia while that State was in hostility to the United States. He is consequently ineligible to office under the Provisional Government. It is not deemed necessary here to discuss the effect this view of the law may have as to other officers. But legislation has to be taken while the State is yet under Provisional Government; and the members of the Legislature must be qualified to hold office under that Provisional Government.

"[OFFICIAL.]

R. C. DRUM, A. A. G."

This position is further sustained by the following extract from General Orders No. 61, dated Headquarters Third Military District, Atlanta, April 15, 1868:

“II. The question having been submitted whether the members of the General Assembly of this State, to be elected next week, will be required, before entering upon their duties, to take what is commonly called ‘the test oath,’ the Commanding General is of opinion that, inasmuch as said General Assembly—should the Constitution now submitted to the people of this State be ratified by them, and be approved by Congress—is required to convene and adopt the proposed amendment to the Constitution of the United States, designated as ‘Article XIV,’ before the State can be admitted to representation in Congress, it may be decided that the members of said General Assembly are, while taking this preliminary action, officers of a Provisional Government, and as such required; under the 9th section of the Act of Congress of July 19, 1867, to take the test oath.”

If there were any doubt—based upon phraseology—as to whether the provision of the ninth section of the Act of July 19, 1867, requiring the oath to be administered, should be made to apply, it would seem that the eleventh section of the same act would, in this case, render its application imperative. The eleventh section reads as follows:

“That all the provisions of this Act, and of the Acts to which it is supplementary, shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out.”

That such literal construction of the law was expected is evidenced by the following extract from a communication of General Grant to General Pope, under date August 3, 1867:

“I think your views are sound, both in the construction which you give to the laws of Congress and the duties of the supporters of good government to see that when Reconstruction is effected no loop-hole is left open to give trouble and embarrassment hereafter. It is certainly the duty of District Commanders to study what the framers of the Reconstruction laws wanted to express as much as what they do express, and to execute the law according to that interpretation.”

Also, General Rawlins to General Meade, July 7th, 1868 :
“The Reconstruction Acts are required to be construed liberally, to the end that all the intents thereof, viz: The re-establishment of civil governments in States lately in rebellion, may be fully and perfectly carried out; and it would seem that persons ineligible to hold office under their provisions should not be permitted to defeat them.”

My own examination of the Reconstruction Acts leads me to the following conclusions :

1. Until the full recognition by Congress of Georgia as a State in the Union, there can be no authority for government within her territorial limits, except that derived from the laws of the United States.

2. This authority for government is found in the laws known as the Reconstruction Acts of Congress.

3. The terms and conditions upon which Georgia was to have been admitted as a State are prescribed in the law of June 25th, 1868, entitled “An Act to admit,” etc.

4. There being nothing in that Act which repealed or annulled the requirements previously enacted as to eligibility, those terms and conditions could be legally adopted only by a legislative assembly organized under and by virtue of the laws of the United States then in force, and by a body whose members were eligible under the Acts of March 2 and July 19, 1867.

5. Until said terms and conditions should be adopted by such a legislative body as that referred to, the new Constitution could have no vitality as fundamental law.

6. In the act of March 2, 1867, the following condition was prescribed for persons holding office under the Provisional Governments :

“ * * * no person shall be eligible to any office under any such Provisional Governments who would be disqualified from holding office under the provisions of the 3d Article of said [Fourteenth] Amendment.”

7. That this restriction was not by Congress considered sufficiently comprehensive to insure the establishment of State Governments in harmony with its policy, is made manifest by the fact that the following still more restrictive

provision was embodied in the Supplemental Reconstruction Act which became a law on the 9th of July, 1867 :

*“ And be it further enacted, * * * That all persons hereafter elected or appointed to office in said Military Districts under any so-called State or Municipal authority, or by detail or appointment of the District Commander, shall be required to take and subscribe the oath of office prescribed by law for officers of the United States.”*

8. Congress is the sole final interpreter of the true intents and meaning of the Reconstruction Acts, and the arbiter upon questions of execution. [General Grant to General Ord, June 23, 1867. “ * * * The law, however, makes the District Commanders their own interpreters of their power and duty under it; and in my opinion the Attorney General and myself can do no more than give our opinion as to the meaning of the law; neither can enforce his views against the judgment of those made responsible for the faithful execution of the law—the District Commanders.” Also General Meade to General Grant, July 18, 1868: “My judgment, therefore, is to acquiesce in the decision of the Senate, and leave to Congress such action as may hereafter be deemed proper in case the Senate has failed to comply with the law.”]

The fact that there is not in Georgia adequate protection for life and property, the maintenance of peace and good order, and the free expression of political opinion, is too well known and understood to require argument, or the presentation of the evidence which has reached me from many portions of the State. In fact, it is hoped that it may never become necessary to make public information which would so severely reflect upon us as a people.

Let us consider what would be the practical effect of executing the law in accordance with the view above presented.

The persons elected in April last would be re-assembled. Such of them as could take the required oath, or who had been relieved by Congress of legal and political disabilities, would be seated. This would restore the colored members to the positions to which they were elected.

The body, thus organized, would, by legislation, adopt the requirements precedent to our recognition as a State. Our State Constitution would then become of force, and supersede the Reconstruction Acts. Persons who could not take the test oath, but who would be eligible under the State Constitution and the Fourteenth Amendment, would then be admitted—the body above referred to being the judge of their eligibility.

This would not be “reconstructing reconstruction,” but simply a vindication of the sufficiency of laws heretofore enacted to secure results which were contemplated at the time of their passage, and anticipated by the persons who voted to sustain them.

It is, however, urged with force, in objection to the view heretofore presented, that the words “under any so-called State or municipal authority,” would prevent the application of the aforesaid 9th Section of the Act of July 19, 1867, to persons who were elected in April last, under an Ordinance of the Convention, and that the eligibility of members of the Legislature rested only upon the new Constitution and the Fourteenth Amendment. [General Grant to General Meade, April 29, 1868: “The officers elected under the new Constitution are not officers of the Provisional Governments referred to in the Reconstruction Acts, nor are they officers elected under any so-called State authority, and are not therefore required to take the oath prescribed in Section 9, Act July 19, 1867. The eligibility to hold office must be determined by the new Constitution, and the Amendment to the Constitution of the United States designated as Article 14.”]

But even in this view of the case, it would undoubtedly be held by Congress that the action of your honorable body, in expelling the colored members, is inconsistent with our new State Constitution, and accomplishes a revolution and an overthrow of the Government established under that instrument; and that steps must be taken by Congress itself to vindicate its legislation and establish a loyal government here.

There being an opinion in the minds of many of the sitting members of your honorable body touching the rights of colored citizens, directly opposite to that entertained by a majority of those who voted to ratify the Constitution, and differing from the opinion entertained by Congress when action was there taken upon it, that body may require the State Constitutional Convention to re-assemble, when the Constitution would, without doubt, be so amended as to remove any uncertainty that may now exist as to the establishment of a loyal State Government, republican in form and in fact—one that would uphold and promote the great principles of civil liberty and personal rights, which have been developed by the results of the war, and endorsed by the verdict of the whole people.

We may be well assured that the Government of the United States will not hesitate in the great work of regeneration until its success is full and complete—established above and beyond the reach of those whose convictions of duty led them to engage in an effort to destroy that which they had attempted to prevent being constructed.

It is, therefore, respectfully recommended that we, ourselves, take the initiative in the consummation of the policy of Congress; and acting upon our own sense of the obligation we owe to the authority from which we derive all we now have or may expect to enjoy of civil self-government, undo what has been done.

Restore the colored members to their seats, and exclude every person from participation in your legislation who took an official oath to support the Government of the United States, and afterwards gave aid or comfort to its enemies, until such persons shall have been relieved by Congress of the disability thus incurred—bearing in mind that the only relief from such disability is found in the action of two-thirds of each House of Congress, and cannot be accomplished by the individual opinion of the person affected, that the “aid or comfort” was not *voluntarily* afforded.

It is hoped that thorough action in this direction will effect what we all so much desire—the final adjustment of

our political status as a State in the Union—and promote peace among ourselves by granting, what nearly one-half of our whole voting population demand, and to which they believe themselves entitled—the great right of choosing one of their own number to be their representative.

The sentiment in favor of universal amnesty was rapidly growing throughout the nation, until checked in part by the course pursued here ; and now, unfortunately for us, the demand of the popular voice is correctly expressed by the words of a distinguished Senator, on a late public occasion, when he says :

“The pure-minded, the noble Whittier sends us a sentiment to-night in favor of universal amnesty and the removal of all political disabilities. To that sentiment I do not assent. With me, no more amnesty or removal of disabilities till the life of the humblest individual who walks on God’s foot-stool, be he black or white, is as sacred in Camilla, Georgia, or in New Orleans, Louisiana, as it is in the peaceful village of Amesbury, in Massachusetts.”

Let us, then, do all in our power to prevent what may be deemed by Congress a necessity—the denial of the appeals of our citizens to be relieved of their political disabilities ; and, perhaps, the still further restriction of political power by withholding it entirely from those who do not heartily acquiesce in and abide by the policy that recognizes our late slaves as MEN, entitled to all the rights and immunities of other men before the law.

It is not desired that treason shall be punished, but it is demanded that loyalty shall be respected, and, if necessary, protected.

My only object is the establishment of a loyal State Government—a Government that will secure to every Union man, and to every man who favors the Reconstruction policy of Congress, be he rich or poor, black or white, protection, full and complete, for his person, his property, and in the expression of his political opinions.

The same immunity from proscription and outrage which is now enjoyed by the most arrogant supporter of seces-

sion and opponent of Congress, must be vouchsafed to the humblest Union man and supporter of the Congressional policy, before we can have perfect liberty or perfect peace.

If, however, these recommendations do not find favor with your honorable body, it is most respectfully suggested that such action upon this subject be promptly taken as you may deem wise and proper; and that you may then adjourn until some convenient time in midsummer, leaving the whole matter with Congress, where, if not satisfactorily adjusted by ourselves, the question must be finally disposed of.

Having, as I deemed it my duty to do, presented to Congress the communication which is this day laid before your honorable body, I have abstained from urging upon Congress any plan or measures touching the subject, except that, on being called before the Reconstruction Committee of the House of Representatives, and being asked for my opinion as to what should be done, I stated, in substance, as follows: That there should be a literal execution of the Reconstruction Acts, and that, in my opinion, those Acts require the primal organization of the Legislature, to be made by the admission of those only who can take the test oath, or have been relieved of their disabilities by Congress; that this course would restore the colored members to their seats without any special legislation, and place the Legislative Department of Georgia in the hands of loyal men; that, after the adoption by such a body of the fundamental conditions precedent to the State's admission to the Union, under Act of June 25, all members eligible under the State Constitution and the Fourteenth Amendment, would be admitted, and no further action by Congress would be necessary.

It is fortunate for us that, added to the blessings of good crops, the saleable value of our staple is sufficient to make its production very profitable; and this being the season when preparations are essential for its successful culture, let us abstain from legislation that is not in the direction of a final settlement of our political differences, and give

full attention to this preparation and to the production of sufficient provision crops to meet the home demand.

With the increased quantity of the staple which may be expected from our improved agriculture, we shall be able to develop our internal resources, build railroads, maintain our educational institutions and take rapid strides along the path of Peace and Plenty.

The clear and comprehensive report of the Treasurer, herewith transmitted, will afford all the information now at the command of that officer as to the financial condition of the State.

The debt of the State has not been increased, except in the case of temporary loans, which are provided for by previous legislation. The interest on the public debt has been promptly paid since the inauguration of the present officers.

Attention is particularly invited to the full and able report of the Comptroller General. His wise recommendations are specially commended as being entitled to careful consideration.

If the General Assembly recognizes the Constitutional Convention, which assembled under the Reconstruction Acts, as the proper representative of the people of the State, it would seem eminently wise that it should adopt, at the proper time, the recommendation of the Comptroller General, that the unpaid expenses of that body be paid out of the Treasury, and the receipts from the Convention tax, when collected, placed to the credit of the general fund in the Treasury.

The amounts appropriated and due to the various public institutions have been paid, and their condition will be quite satisfactory when the changes recommended by your several committees shall have been effected.

The management of the Western & Atlantic Railroad has been devoted exclusively to the development of its resources, and has resulted in satisfactory remuneration to the Treasury, and afforded accommodations acceptable to the public and to its several railroad connections.

The satisfactory manner in which the energetic and able contractors, Messrs. Kimball, have executed their contract with the city of Atlanta cannot fail to receive your approval.

You now have Legislative Halls, Committee Rooms and public offices superior to any found in the Southern States, and equaled by few of those in the North. The removal and establishment of the new Capitol has been accomplished at comparatively trifling cost to the State.

The old buildings at Milledgeville can be made useful for public purposes in accordance with the recommendations from your Committee, and are particularly described in the report of the Superintendent of Public Buildings, to which your attention is invited, together with the report of the Principal Keeper of the Penitentiary.

The reports from the Superintendents of the Insane and other Asylums have not yet reached me.

RUFUS B. BULLOCK,
Governor.

Mr. Wooten offered the following resolution, to wit :

Resolved, That three hundred copies of the Governor's Message and accompanying documents be printed for the use of the Senate, and that that portion of said Message which refers to the relations of Georgia with the General Government, be referred to a Special Committee of five to be appointed by the Chair.

Mr. Candler offered the following as an amendment, to wit :

Resolved, That so much of the Message of his Excellency the Governor, as refers to the organization of the General Assembly and the action of the Senate and House of Representatives in declaring ineligible persons of color who held seats as members of the General Assembly, be referred to a Joint Special Committee, to be composed of three Senators, to be appointed by the President of the Senate, and such members as may be appointed by the House of Representatives.

Mr. Winn offered the following as a substitute for the original and the amendment, to wit :

Resolved, That the Message of his Excellency the Governor, be referred to the Committee on the State of the Republic.

Mr. Speer called for the previous question, which being sustained, the main question was ordered upon the substitute of Mr. Winn, which was lost.

The question was then ordered to be put upon the amendment of Mr. Candler, which was disagreed to.

The question then recurred upon the resolution of Mr. Wooten, which was adopted.

Mr. Speer, from the Special Committee appointed to revise the rules adopted for the government of the Senate at its last session, submitted the following, to wit :

Mr. President :

The committee appointed to draft rules for the government of the Senate have discharged that duty, and submit the following :

RULES FOR THE GOVERNMENT OF THE SENATE.

1st. The President shall take the chair, every day, at the hour to which the Senate shall have adjourned, and, after prayer, shall immediately call the Senate to order, and if a quorum be present, after calling the roll and reading the Journal of the preceding day, proceed to business, as follows :

1. Unfinished Business.
2. Presentation of Petitions.
3. Reports of Standing Committees.
4. Reports of Select Committees.
5. Messages from the Governor.
6. Messages from the House of Representatives.
7. Introduction of bills, and reading first time on Mondays and Thursdays of each week.
8. Reading of bills the second time, on Wednesdays and Saturdays of each week.
9. Motions and Resolutions.
10. Special orders.

11. General orders ; but messages from the Governor and House of Representatives, and reports from Committee on Enrollment may be received under any order of business.

2d. The President shall preserve order, and shall decide questions of order without debate, subject to an appeal to the Senate. He shall rise to put a question, but may state it sitting. The question first moved and seconded shall be first put, and, in all cases, the sense of the Senate shall be taken on the largest number or sum, and the longest time proposed.

3d. No member shall in any way interrupt the business of the Senate while the Journal or public papers are in reading, nor when any member is speaking in debate, nor while the President is putting the question.

4th. When any member is about to speak in debate, or deliver any matter to the Senate, he shall rise and respectfully address "*Mr. President.*" If two or more rise at once, the President shall name the member who is first to speak.

5th. No member shall be allowed to speak more than thirty minutes, except by leave of the Senate, and shall not be allowed to speak a second time, unless all Senators who wish to do so have spoken on the question.

6th. When a question is under debate, the President shall receive no motion but to adjourn, to lay on the table, to postpone to a day certain, to commit, to amend, or to postpone indefinitely, which several motions shall have precedence in the order in which they stand arranged. The motion to adjourn, to lay on the table, to take from the table, and for yeas and nays, shall be decided without debate.

7th. He shall put the previous question in the following form : "*Shall the main question be now put ?*" And all debate upon the main question shall be suspended unless the previous question shall be decided. The adoption of the previous question shall put an end to all debate and bring the Senate to a direct vote upon the pending amend-

ments, if any, in their regular order, and then upon the main question.

8th. On the previous question not exceeding ten minutes shall be allowed for debate, and that only to give reasons why the main question shall not be put, and no member shall speak more than three minutes.

All questions of order arising after a motion is made for the previous question shall be decided without debate, excepting on appeal, and on such appeal, and on the previous question, no member shall be allowed to speak more than once without leave of the Senate.

9th. A motion to close debate at a specified time shall be put not less than thirty minutes before the time stated.

10th. If the question in debate contains several points, any member may have the same divided.

11th. When the yeas and nays shall be called for by one fifth of the members present, each member called upon shall (unless for special reason he be excused by the Senate) declare openly his assent or dissent to the question.

12th. When a motion is made and seconded it shall be stated to the Senate by the President, before any debate be had thereon ; but every motion shall be reduced to writing if the President so direct or any member desires it.

13th. All Committees shall be appointed by the President unless the Senate order otherwise.

14th. When a motion has been stated by the President, or read by the Secretary, it shall be considered to be in possession of the Senate, but may be withdrawn at any time before decision or amendment, but not after amendment unless the Senate give leave.

15th. No member who is interested in the decision of any question in such manner that he cannot vote, may stay in the Senate when such question is discussed or decided. *Provided, however,* That this rule shall not extend to sitting members in contested elections.

16th. When the Senate has voted to appoint a Committee to prepare a bill or resolve upon any subject, no person shall be on such Committee who was opposed to the vote of the Senate.

17th. If any member, in speaking or otherwise, shall transgress the rules of the Senate, the President shall, and any member may, call to order, and if speaking, he shall sit down, unless permitted to explain; the Senate, if appealed to, shall decide the question without debate.

18th. When a question shall have once been decided, it shall be in order for any member to move for a reconsideration thereof on the next day of actual session of the Senate, notice of which shall be given the day action was taken or at the reading of the Journal.

19th. Before any petition or memorial addressed to the Senate shall be received and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents or object of the petition or memorial shall be verbally made by the introducer.

20th. All questions shall be put by the President of the Senate, and the Senators shall signify their assent or dissent by answering, *viva voce*, "yea or no," and whenever the vote shall be doubted or questioned, it shall be determined by the members rising.

21st. The following Standing Committees, consisting of seven each, shall be appointed at the commencement of the first session, to wit:

- On Privileges and Elections;
- On Petitions;
- On Journals;
- On the State of the Republic;
- On Judiciary;
- On Finance;
- On Internal Improvements;
- On General Education;
- On Banks;
- On Penitentiary;
- On Lunatic Asylum;
- On Military;
- On Printing;
- On Deaf and Dumb Asylum;
- On the Institution of the Blind;
- On Agriculture and Manufactures;

On Auditing ;
On Engrossing ;
On Enrollment ;
On Public Buildings ;
On New Counties and County Lines ;
On Retrenchment.

22d. The President shall have the right to name a member to perform the duties of the Chair, but such substituting shall not extend beyond one day.

23d. In the absence of the President, President *pro tem.*, or if the member substituted by him shall be absent at the hour designated in Rule No. one, the Secretary shall call the Senate to order, and shall preside until a President *pro tempore* shall be elected, which shall be the first business of the Senate.

24th. No persons other than the Governor, officers of the State House, members and officers of the Senate and Assembly, and Judges of the Supreme Court, unless by a vote of the Senate, shall be admitted within the Senate Chamber.

25th. Use of the Senate Chamber shall not be granted for any purpose, unless by a vote of four-fifths of the members present.

26th. Any rule or order may be altered, dispensed with or rescinded, two-thirds of the members present consenting thereto.

27th. For all points not herein provided for, Cushing's Manual shall be authority.

RULES FOR THE GOVERNMENT OF THE SENATE IN EXECUTIVE
SESSION.

RULE 1st. When nominations shall be made by the Governor to the Senate, a future day shall be assigned for their consideration, until the Senate direct otherwise.

2d. When acting on Executive business, the Senate shall be cleared of all persons, except the Senators and Secretary.

3d. All information or remarks touching or concerning

the character or qualifications of any person nominated by the Governor to office shall be kept secret.

4th. The Legislative and Executive proceedings of the Senate shall be kept in separate and distinct books.

5th. All nominations approved by the Senate, or otherwise definitely acted on, shall be transmitted by the Secretary to the Governor, with the determination of the Senate thereon, from day to day, as such proceedings may occur, but no further extract from the Executive Journal shall be furnished, published, or otherwise communicated, during any session, except by special order of the Senate.

STANDING COMMITTEES.

Committee on Privileges and Elections.

HIGBEE, Chairman.

Hungerford,	Hicks,
Graham,	Jones,
Brock,	Adams.

Committee on Petitions.

FAIN, Chairman.

McArthur,	Griffin, 6th,
Bowers,	Stringer,
Candler,	Gignilliat.

Committee on Enrollment.

HIGBEE, Chairman.

McCutchen,	Moore,
Welch,	Hicks,
Jordan,	Merrill.

Committee on Journals.

McARTHUR, Chairman.

Wellborn,	Corbitt;
Smith 36th,	Dickey,
Holcombe,	Fain.

Committee on the State of the Republic.

BROCK, Chairman.

Burns,	Collier,
Richardson,	Moore,
Adkins,	Lester.

Committee on Judiciary.

MERRILL, Chairman.

Brock,	Harris,
Wooten,	Wellborn,
Candler,	Lester.

Committee on Finance.

HARRIS, Chairman.

McWhorter,	Nunnally,
Winn,	Welch,
Jones,	Bruton.

Committee on Internal Improvements.

NUNNALLY, Chairman.

Speer,	Anderson,
Welch,	Colman,
Bowers,	Hungerford.

Committee on General Education.

WINN, Chairman.

Smith, 7th,	Nesbitt,
Hinton,	Colman,
Sherman,	Gignilliat.

Committee on Banks.

WELLBORN, Chairman.

Bruton,	Graham,
Griffin, 6th,	Burns,
Hungerford,	Welch.

Committee on Penitentiary.

HARRIS, Chairman.

McWhorter,	Stringer,
Candler,	Griffin, 6th,
Holcombe,	Brock.

Committee on Lunatic Asylum.

SMITH, 36th, Chairman.

Harris,	Griffin, 21st,
McArthur,	Merrill,
Nesbitt,	Hicks.

Committee on the Military.

McWHORTER, Chairman.

Anderson,	Moore,
Adkins,	Dickey,
McCutchen,	Adams.

Committee on New Counties and County Lines.

SMITH, 36th, Chairman.

Nunnally,	Stringer,
Jones,	Moore,
McArthur,	Hicks.

Committee on Printing.

SHERMAN, Chairman.

Welch,	Nesbitt,
Hinton,	Wellborn,
Richardson,	Jones.

Committee on Deaf and Dumb Asylum.

DICKEY, Chairman.

Richardson,	McCutchen.
Fain,	Corbitt,
Higbee,	Merrill.

Committee on Institution of the Blind.

SPEER, Chairman.

Griffin, 21st,	Smith, 7th,
Jordan,	Wooten,
Collier,	Hinton.

Committee on Agriculture and Manufactures.

HOLCOMBE, Chairman.

Dickey,	Collier,
Bowers,	Adkins,
Anderson,	Corbitt.

Committee on Auditing.

SMITH, 7th, Chairman.

McArthur,	Griffin, 21st,
Bruton,	Colman,
Candler,	Stringer,

Committee on Engrossing.

CANDLER, Chairman.

Brock,	Jordan,
Graham,	Colman,
Burns,	Fain.

Committee on Public Buildings.

HUNGERFORD, Chairman.

Speer,	Merrill,
Winn,	Wooten,
Sherman,	Smith, 36th.

Mr. Harris moved to take up the rules by sections, which was agreed to.

Rules from one to four were taken up and adopted.

Rule fifth was taken up.

Mr. Winn moved to strike out the word "thirty" and insert the word sixty in lieu thereof, which was not agreed to.

Rules from four to twenty-three were taken up and adopted.

Rule twenty-fourth was taken up.

Mr. Holcombe moved to strike out the words "Judges of the Supreme Court," which motion was not agreed to.

Rules from twenty-three to twenty-seven inclusive were then taken up and adopted.

The rules, as reported by the committee, for the government of the Senate in Executive session, were taken up and adopted as a whole.

Mr. Hinton offered the following resolution, to wit :

Resolved, That the rules reported by the Chairman of the Committee on the Revision of the Rules be adopted, and that one hundred copies of said rules be printed for the use of the Senate.

Mr. Higbee offered the following as an amendment, which was accepted by Mr. Hinton, to wit :

Resolved, That the Secretary be directed to have printed for the use of the Senate, one hundred and fifty copies of the same, and Standing Committees, with a list of the names of the Senators and officers, with their respective post office address attached.

The resolution, as amended, was then adopted.

Mr. Speer offered the following resolution, which was taken up, read and adopted, to wit :

Resolved, That a seat on the floor of the Senate be tendered to H. I. and E. N. Kimball during the session of the Senate.

Mr. Wooten offered the following resolution, to wit :

WHEREAS, The Governor, in his message this day transmitted to the Senate and House of Representatives, uses the following language, to-wit : " The fact that there is not in Georgia adequate protection for life and property, the maintenance of peace and good order, and the free expression of political opinion, is too well known and understood to require arguments, or the presentation of the evidence which has reached me from many portions of the State ;" and whereas, it is the earnest desire and unwavering determination of this body, in so far as its agency is involved, to co-operate, in all proper measures, with the other departments of the government in affording full and ample protection for life and property in the establishment of peace and good order throughout the State, in securing to all classes and conditions of the people a free expression of political opinion, and in effecting the faithful execution of the laws of the State and of the United States : in order, therefore, that the necessary legislation may be perfected, and that proper and efficient remedies may be provided in the premises,

Be it Resolved, That his Excellency, the Governor, be and he is hereby respectfully requested to communicate to the Senate any information he may possess showing the prevalence of the evils and disorders to which he refers, or the existence of organized or unorganized resistance to law

and the extent and character of the same ; also that he be requested to present any evidence that may have reached him touching this matter.

Mr. Nunnally offered the following as a substitute, to wit :

Resolved, That all evidence in the possession of his Excellency the Governor, which is alluded to in his message, that there is not in Georgia adequate protection for life and property, &c., be referred to a committee, and said committee shall have power to call upon the Governor for such information as he may have in regard to that matter, and that the said committee have power to send for persons and papers.

Mr. Higbee moved that the Senate adjourn until Monday morning at 10 o'clock, which was not agreed to.

Mr. Wellborn moved to adjourn until to-morrow morning at 10 o'clock, which motion did not prevail.

Mr. Burns then called for the previous question, which being sustained, the main question was ordered to be put, and the substitute of Mr. Nunnally was lost.

The question then recurred upon the resolution of Mr. Wooten, which was adopted.

The Chair announced as the special committee under the resolution of Mr. Wooten, to take into consideration that portion of the message of his Excellency the Governor referring to the relations of Georgia with the General Government, Messrs. Wooten, Harris, Nunnally, Higbee and Merrill.

On motion of Mr. Speer, the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,
Saturday, January 16, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Smith, Honorable Senator from the 7th District.

The roll was called and the Journal of the previous day read and approved.

Mr. Hinton, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the resolution of Mr. Wooten.

The motion to reconsider prevailed.

Mr. Hinton then moved to strike out all after the preamble in the resolution and insert in lieu thereof the following, to wit: Be it

Resolved, That a Committee of five be appointed by the President, to call upon his Excellency the Governor, and request him to furnish the Committee, in writing, the evidence in his possession, showing that the laws of the State are inadequate to the protection of life, liberty and property, and that said Committee have power to send for persons and papers.

Mr. Higbee offered the following as a substitute for the original as offered by Mr. Wooten, and the substitute as proposed by Mr. Hinton, to wit:

Resolved, That the Special Committee appointed to take into consideration that part of the Message pertaining to the relation of the State of Georgia to the General Government, be directed to inquire into the evidence of a want of protection for life and property and the maintenance of peace and good order if, in their judgment, it shall be thought necessary.

After debate Mr. Higbee called for the previous question, which being sustained, the main question was ordered upon the substitute of Mr. Higbee, which was lost.

Mr. Wooten called for a division of the question on the amendment of Mr. Hinton, and the question was put on the motion to strike out, which was lost.

The question then recurred upon the adoption of the resolution of Mr. Wooten, whereupon, the yeas and nays were required to be recorded, and are yeas 16, nays 17.

Those voting in the affirmative are—

Messrs. Adams, Anderson, Candler, Collier, Gignilliat, Graham, Griffin 21st, Hinton, Holcombe, Lester, McArthur, McCutchen, McWhorter, Moore, Nunnally, Wellborn.

Those voting in the negative are—

Messrs. Adkins, Colman, Corbitt, Dickey, Griffin 6th, Higbee, Hungerford, Jones, Merrill, Richardson, Sherman, Smith 7th, Smith 36th, Speer, Welch, Winn, Wooten.

So the resolution of Mr. Wooten was adopted.

On motion the rules were suspended and Mr. Smith of the 7th, offered the following resolution, to wit :

WHEREAS, The seats in the gallery on the right and front of the President's stand are more appropriate for ladies, not being subject to be crowded by persons passing, therefore,

Be it Resolved, That that portion of the gallery be appropriated exclusively for the ladies.

Mr. Speer proposed to amend the resolution by striking out the words "right and front," and insert in lieu the word "left."

The previous question was called for, and being sustained, the main question was ordered upon the amendment of Mr. Speer, which was not agreed to.

The question was then put upon the adoption of the resolution, whereupon the yeas and nays were required, and are, yeas 15, nays 18.

Those voting in the affirmative are :

Messrs. Adams, Anderson, Collier, Graham, Griffin 6th, Griffin 21st, Hinton, Holcombe, Hungerford, McCutchen, McWhorter, Moore, Nunnally, Smith 7th, Winn.

Those voting in the negative are :

Messrs. Adkins, Bowers, Candler, Colman, Corbitt, Dickey, Gignilliat, Higbee, Jones, Lester, Merrill, McArthur, Richardson, Sherman, Speer, Stringer, Wellborn, Welch.

So the resolution was lost.

On motion, the rules were suspended, and Mr. Moore offered the following resolution, to wit :

Resolved, That the Senate meet at 10 o'clock, A. M., and adjourn at 1 o'clock, P. M., of each day.

Mr. Nunnally proposed to amend by striking out the words "one o'clock," and inserting in lieu the words one and a half o'clock.

Mr. Winn moved, as a substitute, to insert two o'clock,
P. M.

The question was put upon the substitute of Mr. Winn, which was not agreed to.

The question was next put upon the amendment of Mr. Nunnally, which was lost.

The question then recurred upon the resolution of Mr. Moore, which was adopted.

On motion, the rules were suspended, and Mr. Higbee offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That to the list of the names of members of the Senate, attached to the rules, be added the counties of the District of each Senator.

On motion, the rules were suspended for the introduction of bills.

The following bills were introduced, and severally read the first time, to wit:

By Mr. Lester—

A bill to authorize the drawing of jurors for the January term, 1869, of Chatham Superior Court, and for other Superior Courts and City Courts which may be without juries drawn according to law.

Also, a bill to regulate the issuing and serving of subpoenas in cases in Chatham Superior Court, and the City Court of Savannah.

Also, a bill to exempt from jury duty certain members of the Germania Fire Company, the Metropolitan Fire Company, and the Marshall Hose Company of the city of Savannah.

By Mr. Speer—

A bill to amend an Act entitled an Act to incorporate an insurance company in the city of Macon, to be called the Cotton States' Life Insurance Company.

By Mr. Nunnally—

A bill to incorporate the Commercial Banking Company in the city of Griffin.

By Mr. Smith, of the 7th—

A bill to amend an Act to authorize the consolidation of

the stock of the Savannah, Albany & Gulf Railroad Company, and for other purposes.

By Mr. Adams—

A bill to authorize the Georgia Railroad and Banking Company to aid the Macon & Augusta Railroad Company by loans or endorsement, and to enable the said Macon & Augusta Railroad Company to secure the same.

The rules were further suspended, and Mr. Welch presented a petition from planters in the cotton growing region of Georgia, which was taken up and read, and referred to the Committee on Finance.

On motion of Mr. Nunnally, the Senate adjourned until Monday morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.

Monday, January 18th, 1869.

The Senate met pursuant to adjournment, and was called to order by the President.

Prayer by the Rev. C. W. Thomas.

The roll was called and the Journal of Saturday read and approved. Mr. Nunnally, in conformity with previous notice, moved to reconsider so much of the Journal of Saturday as relates to the action of the Senate on the re-adoption of the resolution of Mr. Wooten.

After debate Mr. Nunnally withdrew his motion to reconsider.

On motion the rules were suspended, and Mr. Nunnally offered the following resolution, to wit:

Resolved, That the action of the Senate of Saturday, requesting the Governor to communicate to the Senate such evidence as he may have in his possession as to a want of adequate protection to person and life in the State, be rescinded; and that the committee appointed to take into consideration the message of the Governor as to the political status of the State, be directed to inquire into the subject-matter of said action of the Senate, and if the committee think proper, call upon the Governor for said evidence.

Mr. Harris called for a division of the subject, so as to allow the vote to be first taken upon that part of the resolution proposing to rescind.

The question was ordered to be put, and that part of the resolution, as introduced by Mr. Wooten, requesting the Governor to communicate to the Senate such evidence as he may have in his possession as to a want of adequate protection to person and life, was rescinded.

The question recurring upon the adoption of the remaining portion of the resolution, Mr. Harris offered the following as a substitute, to wit :

AND WHEREAS, The Senate has been informed by the message of his Excellency that the condition of the country is such that ample protection is not secured to our citizens in the enjoyment of life, liberty and property, and the full enjoyment of their political privileges ; therefore, be it

Resolved, That the committee to whom that part of the Governor's message has been referred, be required to investigate the subject, and have power to send for persons and papers.

Mr. Holcombe moved that the committee already appointed be null and void, and that a new committee of five be appointed by the Chair.

After debate the previous question was called for, and being sustained, the main question was ordered upon the motion of Mr. Holcombe, which was lost.

The question was then put upon the substitute of Mr. Harris, for the remaining part of the resolution as offered by Mr. Nunnally, and the substitute of Mr. Harris was adopted.

On motion the rules were suspended, and Mr. Candler offered the following resolution, which was taken up, read and adopted, to wit :

Resolved, That the Secretary of the Senate be directed to provide seats upon the floor of the Senate Chamber for reporters for the city papers.

Mr. Stringer offered the following resolution, to wit :

Resolved, That the President of the Senate appoint a committee of five to inquire into the necessity of appoint-

ing an Assistant Door-keeper, to enforce order in the galleries, and said committee shall report to the Senate whether they believe such necessity exists.

Mr. Higbee offered the following as a substitute, which was accepted by Mr. Stringer, to wit :

Resolved, That the Door-keeper be authorized to appoint an Assistant Door-keeper to attend to the reception of ladies in the gallery, and preserve order therein.

On motion of Mr. Harris the resolution was laid on the table.

Mr. Hinton offered the following resolution, to wit :

WHEREAS, The time for the collection of taxes for the year 1868 will expire on the first day of February next; and whereas, the tax Digests have but recently been furnished the several Collectors for this State; and whereas, the time for the collection of the same is inadequate; be it therefore

Resolved by the Senate and House of Representatives, That the time allowed the several Collectors be extended to the first day of March next.

On motion of Mr. Nunnally the resolution was referred to the Finance Committee.

A petition was presented from Jesse H. Campbell, of the county of Thomas, which was taken up and read, and referred to the Committee on Education.

The following bills were introduced, and severally read the first time, to wit :

By Mr. Gignilliat—

A bill to declare the willful violation of a contract by employer or employee in agricultural pursuits a misdemeanor, and to prescribe a punishment for the same.

By Mr. Hungerford—

A bill to incorporate the Atlanta Agricultural Implement Manufacturing Company.

By Mr. Adkins—

A bill for the Selection of Jurors in this State.

By Mr. Anderson—

A bill to amend an act entitled an act to incorporate the

Fort Valley Loan and Trust Company, assented to October 10th, 1868.

By Mr. Hinton—

A bill to establish a Circuit of Superior Court, known as the Columbus Circuit.

By Mr. Jordan—

A bill to repeal section 121 of Irwin's Revised Code, and for other purposes.

By Mr. Bowers—

A bill to amend an act to incorporate the town of Hartwell, in the county of Hart, approved February 26th, 1856.

By Mr. Candler—

A bill to create a Land and Immigration Bureau for the State of Georgia.

By Mr. Merrill—

A bill to change the county line between the counties of Carroll and Campbell.

By Mr. Wellborn—

A bill to alter and amend an act entitled an act to regulate the fees of Solicitors General and other officers of Court, assented to 8th October, 1868.

By Mr. McCutchen—

A bill to incorporate the Trion Railroad Company.

By Mr. Smith of the 7th—

A bill to establish the office of State Geologist.

Mr. Winn offered the following resolution, which was taken up, read and adopted, to-wit :

Resolved, That the President be authorized to procure a time-piece for the use of the Senate, and have the same set up in the Senate Chamber.

Mr. Adkins offered the following resolution, which was taken up, read and adopted unanimously, to wit :

Resolved, As the sense of this body in session assembled, that we expected much at the hands of the City Council of Atlanta in providing suitable accommodations for us as a legislative body in giving us the use of a magnificent edifice, and we hereby tender our acknowledgments to them of the fact that they have fully realized our expectations.

Mr. Sherman offered the following resolution, which was taken up, read and laid on the table, to wit :

Resolved, That the Committee on Public Printing of the Senate and House of Representatives be authorized to inquire into the expediency of having the daily Journals of the two Houses printed for the use of members and laid on their tables on each subsequent day.

Mr. Richardson offered the following resolution, which was taken up, read and laid on the table, to wit :

Resolved, That the Messenger of the Senate be instructed to furnish seats upon the floor of the Senate Chamber for all Judges of the Superior Courts of this State.

Mr. Higbee offered the following resolution, which was taken up, read and laid on the table, to wit :

Resolved, That the members and officers of the Senate select, each, one daily paper, and that the Secretary be authorized to furnish the same, and the expense thereof to be provided for in the General Appropriation Bill.

The following bills were taken up and severally read the second time and referred to the Judiciary Committee, to wit :

A bill to authorize the drawing of jurors for the January Term, 1869, of Chatham Superior Court, and for other Superior Courts and City Courts which may be without juries drawn according to law.

A bill to regulate the issuing and serving of subpoenas in cases in Chatham Superior Court and the City Court of Savannah.

A bill to exempt from jury duty certain members of the Germania Fire Company, the Metropolitan Fire Company, and the Marshall Hose Company of the City of Savannah.

The following bills were taken up and severally read the second time and referred to the Committee of the Whole, to wit :

A bill to amend an Act entitled an Act to incorporate an Insurance Company in the city of Macon, to be called the Cotton States' Life Insurance Company.

A bill to amend an Act to authorize the consolidation of the stock of the Savannah, Albany & Gulf Railroad

Company and the Atlantic & Gulf Railroad Company, and for other purposes.

The following bill was taken up and read the second time and referred to the Committee on Banks, to wit :

A bill to incorporate the Commercial Banking Company in the city of Griffin.

The following bill was taken up and read the second time, and referred to the Committee on Internal Improvements, to wit :

A bill to authorize the Georgia Railroad and Banking Company to aid the Macon and Augusta Railroad Company by loans or endorsement, and to enable the said Macon & Augusta Railroad Company to secure the same.

The hour having arrived, the President announced the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Tuesday, January 19, 1869.

The Senate met pursuant to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Hinton, Honorable Senator from the 24th District.

The roll was called, and the Journal of the previous day read and approved.

Honorable Senators Brock and Hicks appeared and took their seats.

Mr. Sherman, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the resolution relating to the printing of the Journals of the Senate and House of Representatives.

The motion to reconsider did not prevail.

Mr. Hinton moved a suspension of the rules for the purpose of taking up a bill for the first reading, which was not agreed to.

The following message was received from the House of Representatives, through Mr. Hardin, their Clerk :

Mr. President :

The House of Representatives has adopted a resolution to advance five thousand dollars to the State Printer, in which they respectfully request the concurrence of the Senate.

Mr. Harris, Chairman of the Finance Committee, made the following report :

Mr. President :

The Committee on Finance, to whom was referred a resolution extending the time for the collection of taxes, have had the same under consideration, and recommend its adoption.

J. HARRIS, Chairman.

On motion of Mr. Harris, the report was taken up and the same was adopted.

On motion, the Secretary was directed to transmit the action of the Senate forthwith to the House of Representatives.

Mr. Speer offered the following resolution, which was taken up, read and adopted, to wit :

Resolved, That a seat be tendered to the Honorable J. W. Greene, Judge of the Superior Court of Flint Circuit, on the floor of the Senate this day.

Mr. Merrill offered the following joint resolution, which was taken up and read, and referred to the Finance Committee, to wit :

Resolved by the General Assembly of the State of Georgia, That the State Treasurer be, and he is hereby authorized, to pay over to the President or Principal Teacher of each of the colleges, for the education of indigent maimed soldiers, such amount of money as was due on the first day of January, 1868, for each indigent maimed soldier educated at said institutions respectively, out of any money in the Treasury not otherwise appropriated, and when the money appropriated at the last session of the General Assembly for that purpose is collected, that the same be paid to reimburse the Treasury for the money so paid out.

Mr. Nunnally offered the following joint resolution, which was taken up, read and adopted, to wit :

WHEREAS, Ex-Governor Joseph E. Brown, when Governor of this State, did, on the 14th day of December, 1860, enter into a contract with G. H. Penfield, agent for Sharp's Rifle Manufacturing Company, at Hartford, Connecticut, for a large number of carbines, at a cost of forty-nine thousand seven hundred and sixty-five dollars, and at the time of delivery as per contract, only twenty-four thousand seven hundred and sixty-five dollars was paid, leaving a balance of twenty-five thousand dollars; and the said G. H. Penfield is desirous of having the matter settled; and whereas, there is a legal question involved in its payment; be it, therefore,

Resolved, That a committee of two from the Senate and three from the House be appointed to investigate the matter, and report at as early a day as possible.

The Chair announced as the committee under the foregoing, on the part of the Senate, Messrs. Nunnally and Merrill.

On motion, the Secretary was directed to transmit the action of the Senate forthwith to the House of Representatives.

The Senate took up, as the report of the Committee of the Whole, the bill to amend an act entitled an act to incorporate an Insurance Company in the city of Macon, to be called the Cotton States' Insurance Company.

The report of the committee was agreed to, the bill was read the third time, and passed.

The Senate took up, as the report of the Committee of the Whole, the bill to amend an act to authorize the consolidation of the stock of the Savannah, Albany & Gulf Railroad Company and the Atlantic & Gulf Railroad Company, and for other purposes.

Mr. Harris moved to refer the bill to the Judiciary Committee, which was not agreed to.

After debate, the previous question was called, the main question was put, and the bill was passed.

On motion of Mr. Harris, the Senate took up the message of the House of Representatives, and concurred in

the resolution of the House advancing five thousand dollars to the State Printer.

On motion, the Secretary was directed to transmit to the Mayor and City Council of Atlanta a certified copy of the resolution of Mr. Adkins, as adopted on yesterday, expressive of the satisfaction enjoyed in the ample accommodations furnished by the city to the General Assembly.

The following bills were taken up and severally read the second time, and referred to the Judiciary Committee, to wit :

A bill to declare the willful violation of a contract by employer or employee in agricultural pursuits a misdemeanor, and to prescribe a punishment for the same.

A bill for the Selection of Jurors in this State.

A bill to establish a Circuit Court, known as the Columbus Circuit.

A bill to repeal section 121 of Irwin's Revised Code, and for other purposes.

A bill to amend an act to incorporate the town of Hartwell, in the county of Hart, approved February 26th, 1856.

A bill to alter and amend an act entitled an act to regulate the fees of Solicitors General and other officers of Court, assented to 8th October, 1868.

The following bills were taken up and severally read the second time, and referred to the Committee on Agriculture and Manufactures, to wit :

A bill to incorporate the Atlanta Agricultural Implement Manufacturing Company.

A bill to establish the office of State Geologist.

The following bill was taken up and read the second time, and referred to the Committee on Banks, to wit :

A bill to amend an act entitled an act to incorporate the Fort Valley Loan and Trust Company, assented to October 10th, 1868.

- The following bill was taken up and read the second time, and referred to the Committee on New Counties and County Lines, to wit :

A bill to change the county line between the counties of Carroll and Campbell.

The following bill was taken up and read the second time, and referred to the Committee on Internal Improvements, to wit :

A bill to incorporate the Trion Railroad Company.

The following bill was taken up, read the second time and committed, and fifty copies ordered to be printed, to wit :

A bill to create a Land and Immigration Bureau for the State of Georgia.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Wednesday, January 20, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Bowers, Honorable Senator from the 31st District.

The roll was called and the Journal of the previous day read and approved.

The following report was received from B. W. Frobel, Esq., Superintendent of Public Works :

OFFICE SUPERINTENDENT PUBLIC WORKS,

ATLANTA, GA., January 10, 1869.

Hon. Benjamin Conley, President of the Senate :

SIR: In answer to a resolution of the Senate, adopted at the last session, directing that a report be made upon the cost of removing the Seat of Government to this place, I have the honor to submit herewith the plans and estimates for a new State House. The plan, as you will see, embraces the building, three hundred feet front by one hundred and sixty feet deep, and surmounted by a dome one hundred and eight-five feet high. It is designed to accommodate the Legislative and Executive Departments of the Government, the Supreme Court, State Arsenal, and all other offices connected with and properly belonging to the State Capitol.

The estimates have been prepared for a granite building of the Doric order, with roof of slate and dome of iron. Floors throughout to be supported with grained arches of brick, and all partition walls to be of the same material, thus avoiding the use of wood. The floors themselves to be of granite, marble or encaustic tiling. Trusses over the Supreme Court, and under the roof, of iron, thus rendering the structure entirely fire-proof. A hot-air furnace in the basement will heat every part of the building.

Great care has been taken to render each department as convenient, complete and secure as possible. The estimated cost of this building is \$505,868 64. A great saving can be effected by employing convict labor upon it. There is a class of prisoners confined in the Penitentiary, known as long-term convicts, who could be employed advantageously upon this work. Their sentences prevent these persons from being employed outside the prison-walls, and, consequently, they are often idle and a dead expense to the State. The site of the new Capitol might be surrounded by a substantial enclosure, and, within this, quarters erected for such convicts as may be employed at this work. This would prevent all ordinary possibility of escape.

A track laid down from any one of the railroads leading into Atlanta would bring the rough stone and other material within the enclosure, thereby effecting a great saving of expense in the matter of transportation and hauling.

The convicts could make and lay all the bricks, and do all other masonry, including the cutting and dressing of the stone.

The heavy work upon the foundations requires comparatively little skill in the workmen. As the work progresses, however, more knowledge and greater experience are necessary.

This would be gained by the convict as the work advances—the time which it would take to erect such a building being sufficient to make them accomplished artisans. An experience of several years with this kind of

labor satisfies me that it is not only altogether practicable, but the whole can be accomplished at less than one-half the price usually paid contractors.

I subjoin an estimate for your information, based upon the supposition that fifty convicts can, at all times, be employed upon this work.

Cost of clothing, guarding and feeding fifty convicts for one year, at fifty cents each per day, \$9,125. Pay of Master Workmen as overseer of same, \$5,000. Materials, tools, transportation and contingent expenses, \$10,875. Making a total of \$25,000 as the expenditures for one year. Should it require ten years to complete the work, its entire cost would not be more than \$250,000. A tax of twenty-five cents upon each voter would raise more than double this amount without imposing any other burden upon the people.

But we must remember that, after all, this sum will not be an actual additional expense to the State, as these fifty convicts would have to be supported under any circumstances, and their expenses would amount to at least one-half of the sum here estimated.

Estimates for an Executive Mansion will be submitted so soon as they can be prepared, and this and any other building that may be found necessary can be erected in the same way.

I am, sir, very respectfully,

(Signed)

B. W. FROBEL.

On motion of Mr. Winn, the report was laid on the table for the present, and the Secretary directed to have fifty copies of the same printed for the use of the Senate.

Mr. Burns, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to amend an act to authorize the consolidation of the stock of the Savannah, Albany & Gulf Railroad Company and the Atlantic & Gulf Railroad Company, and for other purposes.

After debate, Mr. Speer called for the previous question, which being sustained, the main question was put upon

the motion to reconsider, whereupon the yeas and nays were required to be recorded, and are, yeas 14, nays 24.

Those voting in the affirmative are—

Messrs. Burns, Candler, Gignilliat, Harris, Hinton, Hungerford, Jones, Jordan, Lester, Merrill, McCutchen, Nunnally, Stringer, Winn.

Those voting in the negative are—

Messrs. Adams, Adkins, Anderson, Bowers, Brock, Colman, Collier, Corbitt, Dickey, Fain, Graham, Griffin 6th, Griffin 21st, Hicks, McArthur, McWhorter, Moore, Richardson, Sherman, Smith 7th, Smith 36th, Speer, Wellborn, Welch.

So the motion to reconsider was lost.

The following message was received from the House of Representatives by Mr. Hardin, their Clerk :

Mr. President :

The House of Representatives has passed the following bill, which I am instructed to transmit forthwith to the Senate, to wit :

A bill to be entitled an act to provide for the holding of Floyd and Polk Superior Courts, to legalize the juries drawn by the Clerks, Sheriffs and Ordinaries of said counties, and to legalize the contemplated adjourned term of Floyd Superior Court, and for other purposes.

The following message was received from the House of Representatives through Mr. Hardin, their Clerk :

Mr. President :

The House of Representatives has passed the following bills, to wit :

A bill to alter and amend an act to incorporate the North Georgia Mining Company, approved March 1, 1856 ; also,

A bill to authorize the Ordinary of Stewart county to draw his warrant upon the Treasury of Stewart county, &c.

The following bills of the House of Representatives were taken up and severally read the first time, to wit :

A bill to provide for the holding of Floyd and Polk Superior Courts, to legalize the juries drawn by the Clerks, Sheriffs and Ordinaries of said counties, and to legalize

the contemplated adjourned term of Floyd Superior Court, and for other purposes.

A bill to alter and amend an act to incorporate the North Georgia Mining Company, approved March 1, 1856.

A bill to authorize the Ordinary of Stewart county to draw his warrant upon the Treasury of Stewart county.

On motion of Mr. Speer, leave of absence was granted to Senator Stringer for the remainder of the week, after to-day.

Mr. Higbee, Chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following resolution :

A resolution to advance five thousand dollars to the State Printer.

E. I. HIGBEE,

Chairman Committee Enrollment.

The following message was received from the House of Representatives through their Clerk, Mr. Hardin :

Mr. President :

The House has concurred in the following Senate resolution, to wit :

A resolution appointing a committee of two from the Senate and three from the House to investigate the claim of G. H. Penfield, agent Sharp's Rifle Company, and has appointed as such committee on part of the House, Messrs. Price of Lumpkin, Bethune of Talbot, and Shumate of Whitfield.

The following bills were introduced and severally read the first time, to wit :

By Mr. Graham—

A bill to change the time of holding the Superior Courts in the counties of Appling, Coffee, Ware, Clinch, Echols and Wayne.

By Mr. Adkins—

A bill to regulate employers and employees.

By Mr. Smith of the 36th—

A bill to encourage the arrest of criminals by compensating therefor.

By Mr. Nunnally—

A bill to amend an act to regulate and define court contracts, &c., approved March 17, 1866.

By Mr. Jones—

A bill to authorize the appointing of a Committee on Public Bridges in this State, and for other purposes.

By Mr. Lester—

A bill to amend an act entitled an act to incorporate the Savannah Gas Light Company, and the Augusta Gas Light Company, approved December 14, 1849, and an act amendatory thereof, assented to December 13, 1862.

Also a bill to incorporate a town to be called Parkersville.

By Mr. Hinton—

A bill to provide for the election of Justice of the Peace for each Militia District.

By Mr. Wellborn—

A bill to more fully carry into effect the first division of the first section of an act entitled an act to define certain acts of trespass, and make the same penal, assented to 23d day of February, 1866.

Mr. Merrill offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That the Committee on the Judiciary be instructed to inquire and report to the Senate whether any legal Justices of the Peace exist, and if so, how many is each district entitled to; and if no legal Justices of the Peace exist, what legislation is necessary on the subject.

Mr. Higbee offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That the Secretary be directed to ascertain what rooms have been set apart for the use of standing

committees, and report their numbers, &c., to what committees assigned.

Mr. Smith of the 36th District, offered the following resolution, to wit :

Resolved, That the President of the Senate be authorized to make such arrangements as he may deem proper in regard to procuring the services of a Chaplain or Chaplains during the present session.

Mr. Higbee offered the following as a substitute, to wit :

Resolved, That the daily proceedings of the Senate be opened with prayer ; and to this end the President be authorized to invite clergymen to officiate.

Mr. Welborn offered the following as a substitute for the whole, to wit :

Resolved, That the Senators who are clergymen shall constitute a committee, who shall report at as early a day as possible the name of some clergyman of this city to officiate as chaplain of the Senate during the present session.

Mr. Nunnally moved to lay the whole upon the table, which was agreed to.

Mr. Nunnally then offered the following resolution, to wit :

Resolved, That the President of the Senate call upon the reverend members of this Senate to open the Senate every morning with prayer, and when any other reverend gentleman is in attendance upon the Senate, the President may call upon him if he desires so to do.

Mr. Speer offered the following as a substitute, to wit :

Resolved, That the President of the Senate be requested to procure the Rev. C. W. Thomas to officiate daily in the opening of the proceedings of the Senate with prayer.

The question was put upon the substitute of Mr. Speer, whereupon, the yeas and nays were required to be recorded, and are, yeas 12, nays 22.

Those voting in the affirmative are—

Messrs. Colman, Gignilliat, Higbee, Hungerford, Lester, McArthur, Nunnally, Sherman, Smith 36th, Speer, Wellborn, Welch.

Those voting in the negative are—

Messrs. Adams, Adkins, Anderson, Bowers, Brock, Candler, Collier, Corbitt, Dickey, Fain, Graham, Griffin 21st, Harris, Hinton, Holcombe, Jordan, Merrill, McWhorter, Moore, Richardson, Smith 7th, Winn.

So the substitute of Mr. Speer was lost.

The question then recurred upon the resolution of Mr. Nunnally, which was adopted.

On motion of Mr. Hungerford, the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Thursday, January 21, 1869.

The Senate met pursuant to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Adams, honorable Senator from the 20th District.

The roll was called, and the Journal of the previous day read and approved.

The Honorable Mr. Bruton appeared and took his seat.

Mr. Smith of the 36th District, in accordance with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the resolution relating to the procuring of clergymen to officiate in prayer at the opening of the Senate.

After debate Mr. Holcombe moved to lay the motion on the table, which was agreed to.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following resolution :

A resolution appointing a Committee of two from the

Senate and three from the House to investigate the claim of G. H. Penfield, Agent of Sharp's Rifle Company

E. I. HIGBEE,

Chairman Committee on Enrollment.

On motion the rules were suspended and Mr. Fain offered the following resolution, to wit :

Resolved, That the Honorable J. R. Parrott, Judge of the Superior Court of the Cherokee Circuit, be tendered a seat upon the floor of the Senate Chamber.

Mr. Burns offered the following as a substitute, to wit :

Resolved, That seats upon the floor of the Senate be tendered to Judges of the Superior Court of this State.

The question was put upon the substitute of Mr. Burns, which was adopted.

Mr. Wellborn, chairman of the Committee on Banks, begs leave to submit the following report :

Mr. President :

The Committee on Banks, to whom was referred a bill to be entitled an act to amend an act entitled an act to incorporate the Fort Valley Loan and Trust Company, approved October 10, 1868, have had the same under consideration and recommend that it do pass.

C. J. WELLBORN, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has adopted the following resolution, to wit :

A resolution authorizing the State Treasurer to advance to each member and officer of this General Assembly the sum of one hundred dollars.

Mr. Holcombe, from the Committee on Agriculture and Manufactures, made the following report :

Mr. President :

The Committee on Agriculture and Manufactures have

had under consideration a bill to be entitled an act to incorporate the Atlanta Agricultural Implement Manufacturing Company, which they recommend do pass.

Also, a bill to amend an act entitled an act, assented to September 17, 1868, to protect the planters of this State in the sale of fertilizers, which they recommend do pass.

A. W. HOLCOMBE, Chairman.

On motion of Mr. Harris the Senate took up and concurred in the resolution of the House authorizing the State Treasurer to advance to the members and officers of the General Assembly the sum of one hundred dollars each.

The following bills were introduced and severally read the first time, to wit:

By Mr. Brock—

A bill to authorize the State to build a branch railroad from the Western & Atlantic Railroad, at Kingston, Bartow county, to the town of Van Wert, in Polk county, to be exclusively the property of the State.

By Mr. Merrill—

A bill to incorporate the Georgia Mutual Aid Company, in the city of LaGrange, Troup county, Georgia, with certain rights and privileges.

By Mr. Winn—

A bill to make it penal for persons not having a lawful fence to maim or kill stock.

By Mr. Candler—

A bill to amend an act entitled an act to organize a Criminal Court for each county of this State, approved October 7, 1868.

By Mr. Smith of the 36th District—

A bill to define liabilities to perform road duties.

By Mr. McWhorter—

A bill to define the liability of Sheriffs, and other ministerial officers of this State, and to grant relief to the same.

By Mr. Fain—

A bill to authorize third parties, in cases where summons of garnishment have been issued, and garnishee

answers to indebtedness or effects, to institute a claim whenever their interests may require.

By Mr. Nunnally—

A bill to incorporate the Atlanta Cotton Factory Company.

By Mr. Hinton—

A bill prescribing the mode of dissolving garnishment under attachment, &c.

Also, a bill to alter and amend section 4010 of Irwin's Revised Code in relation to distress warrants, &c.

Also, a bill to authorize either party in a possessory warrant to give notice of an intention to *certiorari*, and the same shall operate as a *supersedeas* for ten days.

Also, a bill to change and amend the claim laws of this State.

Also, a bill to amend an act to define the qualifications of voters at the election to be held in the city of Columbus for Mayor and Aldermen, &c.

By Mr. Speer—

A bill for the selection of jurors to serve in the Superior Courts of this State.

By Mr. Bowers—

A bill to change the manner of directing bench warrants in this State, and for other purposes.

By Mr. Speer—

A bill to incorporate the Atlanta Canal and Water Company.

By Mr. Hungerford—

A bill to incorporate the Atlanta Water Company.

By Mr. Welch—

A bill to secure the summary enforcement of laborers' liens, and for other purposes.

By Mr. Richardson—

A bill to amend section 3973 of Irwin's Code.

By Mr. Anderson—

A bill to amend an act entitled an act to protect the planters of this State in the sale of fertilizers.

Mr. Nunnally, chairman of the Committee on Internal Improvements, made the following report :

Mr. President

Your committee, to whom was referred the following bills, have had the same under consideration :

A bill to be entitled an act to incorporate the Trion Railroad Company, which they recommend do pass.

A bill to authorize the Georgia Railroad and Banking Company to aid the Macon & Augusta Railroad Company, by loans or endorsements, and to enable the said Macon & Augusta Railroad Company to secure the same, which they recommend do pass, with the following amendment : That nothing herein contained shall affect the interest of the State if said Company shall apply and receive any part of the State aid granted to said road at the last session of the General Assembly.

On motion of Mr. Burns the rules were suspended and the following bill of the House was taken up and read the second time, and referred to the Committee of the Whole, to wit :

A bill to provide for the holding of Floyd and Polk Superior Courts ; to legalize the juries drawn by the Clerks, Sheriffs and Ordinaries of said counties ; and to legalize the contemplated adjourned term of Floyd Superior Court, and for other purposes.

Mr. McArthur offered the following resolution, which was taken up, read and adopted, to wit :

Resolved by the Senate and House of Representatives of the State of Georgia, That a committee of three on the part of the Senate, and five on the part of the House, be appointed to take into consideration the condition of the State's endorsement on the bonds of the Macon & Brunswick Railroad Company, and such other matters connected with said railroad as the interest of the State may require.

The Chairman announced, as the committee on the part of the Senate under the foregoing, Messrs. McArthur, Speer, and Smith of the 7th District.

On motion the Secretary was directed to transmit the above forthwith to the House of Representatives.

The following bills of the House of Representatives were taken up and severally read the second time, and referred to the Committee of the Whole, to wit :

A bill to alter and amend an act to incorporate the North Georgia Mining Company, approved March 1, 1856.

A bill to authorize the Ordinary of Stewart county to draw his warrant upon the treasury of Stewart county.

The Senate took up the report of the committee on the bill to authorize the Georgia Railroad and Banking Company to aid the Macon & Augusta Railroad Company by loans or endorsement, and to enable the said Macon & Augusta Railroad Company to secure the same.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back with the recommendation that it do pass, with an amendment.

The report of the committee was agreed to. The bill as amended was read the third time and passed.

The Senate took up the report of the committee on the bill to incorporate the Trion Railroad.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back, with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to incorporate the Atlanta Agricultural Implement Manufacturing Company

The Committee on Agriculture and Manufactures, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to amend an act entitled an act to incorporate the Fort Valley Loan and Trust Company, assented to October 10, 1868.

The Committee on Banks, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The following bill was taken up and read the second time and referred to the Judiciary Committee, to wit :

A bill to change the time of holding the Superior Courts in the counties of Appling, Coffee, Ware, Clinch, Echols and Wayne.

On motion of Mr. Griffin of the 21st District, the Senate adjourned until to-morrow morning at ten o'clock.

SENATE CHAMBER, ATLANTA, GA.

Friday, January 22, 1869.

The Senate met pursuant to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Smith, Honorable Senator from the 7th District.

The roll was called and the Journal of the previous day read and approved.

Mr. Speer, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the resolution of the House authorizing the State Treasurer to advance to the members and officers of the General Assembly the sum of one hundred dollars each. The motion to reconsider prevailed.

Mr. Speer then moved to amend the resolution by inserting after the word "officers" the words "and authorized Clerks;" also to strike the word "one" and insert the word "two" in lieu thereof, which was agreed to.

On motion the Secretary was directed to transmit the action of the Senate on the foregoing, forthwith to the House of Representatives.

Mr. Candler, in accordance with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to authorize the Georgia Railroad & Banking Company, to aid the Macon & Augusta Railroad Company by loans or endorsement.

and to enable the said Macon & Augusta Railroad Company to secure the same.

The motion to reconsider prevailed.

Mr. Candler then moved to strike out the proviso contained in the bill, and insert the following as section third, to come in before the repealing clause, to wit :

SEC. 3. *Be it further enacted by the authority aforesaid,* That nothing in the preceding section of this act shall be so construed as to affect the priority of lien upon the railroad and other property of the said Macon & Augusta Railroad Company to the State of Georgia for any endorsement of the bonds of said railroad company to be hereafter made under an act of the General Assembly of Georgia, approved October 5, 1868, authorizing such endorsement, but that the said lien shall have preference to any lien created in favor of the Georgia Railroad & Banking Company under the authority of this act.

After debate Mr. Adkins called for the previous question, which being sustained, the main question was put upon the motion of Mr. Candler, to strike out the proviso as reported by the committee, which was agreed to.

The question was then put upon the amendment as proposed by Mr. Candler, which was adopted.

The question then recurred upon the passage of the bill as amended, and the bill as amended was passed.

The following message was received from the House of Representatives through their Clerk, Mr. Hardin :

Mr. President :

The House of Representatives has concurred in the following Senate resolution, to wit :

A resolution extending time for collection of taxes until 1st of March next.

On motion the rules were suspended, and the Senate took up the report of the Committee of the Whole on the bill of the House, to provide for the holding of Floyd and Polk Superior Courts; to legalize the juries drawn by the

Clerks, Sheriffs and Ordinaries of said counties ; and to legalize the contemplated adjourned term of Floyd Superior Court, and for other purposes.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion the Secretary was directed to transmit the same forthwith to the House of Representatives.

The following message was received from the House of Representatives by Mr. Hardin, their Clerk :

Mr. President :

The House of Representatives concurs in the following amendment of the Senate to the resolution of the House of Representatives authorizing the State Treasurer to advance to members and officers of the General Assembly one hundred dollars, to wit : to insert after the word officers, the words " authorized clerks." The House disagrees to the Senate amendment to said resolution which proposes to strike out " one hundred dollars and insert two hundred dollars," and respectfully request the Senate to recede from said amendment.

Mr. Merrill, from the Committee on the Judiciary, made the following report :

Mr. President :

The Judiciary Committee, to whom was referred a bill to change the time of holding the Superior Courts in the counties of Appling, Coffee, Ware, Clinch, Echols and Wayne, have had the same under consideration and recommend that it do pass.

Also, a bill to regulate the issuing and serving of subpoenas in cases in Chatham Superior Court and the City Court of Savannah, which they recommend do pass.

Also, a bill to exempt from jury duty certain members of the Germania Fire Company, the Metropolitan Fire Company, and the Marshall Hose Company, of the city of Savannah, which they recommend do pass.

Also, a bill to amend an act incorporating the town of

Hartwell, in the county of Hart, approved February 26, 1856, which they recommend do pass.

The following bills they have had under consideration and recommend do not pass, to wit :

A bill to establish a circuit of the Superior Court, known as the Columbus Circuit.

Also, a bill to repeal section 121 of Irwin's Revised Code, and for other purposes.

W W MERRILL, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, their Clerk :

Mr. President :

The House of Representatives has passed the following bills, to wit :

A bill to change the time of holding the Superior Court for the county of Clay.

Also, a bill to authorize W A. Bass, administrator, and Ann M. Cozart, administratrix, of Hubbard W Cozart, deceased, late of Fulton county, Georgia, to sell the personal property of said estate on the premises where said property may be, &c.

The House of Representatives has also adopted the following resolution, to wit :

A resolution appointing a committee to examine committee rooms.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following resolution :

A resolution extending time for collection of taxes until 1st of March next.

E. I. HIGBEE,
Chairman Committee on Enrollment.

Mr. Smith of the 36th, chairman of the Committee on New Counties and County Lines, made the following report :

Mr. President :

The Committee on New Counties and County Lines, to whom was referred a bill to be entitled an act to change the line between the counties of Carroll and Campbell, have had the same under consideration and recommend that the same do pass.

W C. SMITH, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bill, and I am ordered to transmit the same forthwith to the Senate, to wit :

A bill to be entitled an act to authorize the holding of the Superior Courts in Clarke and Baldwin counties at the February term, 1869, and to provide juries therefor.

On motion the rules were suspended and the following bill of the House was taken up and read the first time, to wit :

A bill to change the time of holding the Superior Court for the county of Clay.

Mr. Merrill, from the Joint Committee on Retrenchment, appointed at the last session, made the following report :

To the Senate and House of Representatives :

The undersigned, Committee on Retrenchment, appointed at your last session, in pursuance of the resolution under which they were appointed, met in Atlanta on the 11th November last, upon the call of the Hon. W W. Merrill, chairman of the Senate portion of the committee.

The resolution appointing us says, " whose duty it shall be to report, at the next session of the Legislature, what legislation is necessary to reduce the extraordinary ex-

penses of the State Government—what officers, if any, can be dispensed with, without injury to the interest of the State, and whether the salaries now paid to the various officers and agents of the State are greater than they should be, and any and all other matters which will, in their opinion, lessen the burdens of the people.”

So broad and comprehensive requirements and instructions fully impressed the committee with the importance of their duties, upon the discharge of which they entered with the deliberate determination to investigate thoroughly, to scrutinize carefully, and to report without fear, favor or affection, their opinion of the expenditures of the various officers of the State Government.

Soon after organizing, we called in a body on his Excellency the Governor, and, after explaining to him, through our chairman, Hon. W W Merrill, the object of the committee, we asked of him his co-operation and assistance. In response, his Excellency assured us that he would cheerfully aid us in our investigations, and would gladly co-operate with us in improving “the policy and credit of the State.

His Excellency called our especial attention to the condition of the State Treasury, and said we should, as a whole or by sub-committees, visit every State institution.

Subsequently we addressed his Excellency a note, requesting him to furnish us with a report of the Executive, Legislative and Judicial departments of the Government, giving us the number of employees in each, the duties performed by them, the salaries paid them, and which, if any of them, can be dispensed with.

We also requested of him information as to the public debt—when payable, to whom due, and any and all information which would enable this committee to arrive at correct conclusions in regard to the financial condition of the State.

We received from Hon. N. L. Angier, State Treasurer, two communications relative to the State's indebtedness. His conclusion is in the following words: “I have no

means of arriving at former indebtedness of the State, only through reports of my predecessor."

We called on Mr. Jones, late Treasurer, and got from him the following statement. He says:

"By reference to the enclosed tabular statements of the public debt of Georgia, appended to my report to the Legislature of 1866, it will be seen that the outstanding bonds amounted to (\$5,706,500) five millions seven hundred and six thousand five hundred dollars.

"The Legislature of 1865 authorized the issue of bonds to the amount of \$3,600,000, which were printed and designated Mortgage Bonds of the State of Georgia, being secured by mortgage on the Western and Atlantic Railroad, the property of the State. This amount was intended to raise money "to repair and equip the State Road," to pay off and redeem the bonds and coupons of the State, which had matured during the war and yet remained unpaid, and to pay the land tax ordered by Congress to be levied on the citizens of Georgia, and which was assumed by the act of 1865. Congress having suspended the collection of the land tax, the first issue of mortgage bonds amounted to \$3,030,000, which you will find the last item in the tabular statement, constitutes a part of the grand total, \$5,706,500.

"Of this first issue (\$3,030,000) a large amount was sold and applied to the purposes for which it was intended, and the certificate of Henry W Ford, Esq., Cashier National Bank of the Republic, New York, attached to my report to the special committee last September, shows a balance unsold of one hundred and thirty-one thousand and five hundred dollars (\$131,500.)

"The suspension of the collection of the land tax by Congress rendered the issue of the bonds for its payment unnecessary, but as they were printed, and of a popular form, and in good credit, the Legislature, by the act of December, 1864, on recommendation of Governor Jenkins, ordered the remaining bonds to be prepared for issue and applied to the retiring the bonds of the State maturing in 1868, 1869 and 1870. They were prepared accordingly, by

the signing of the bonds and coupons, and endorsement of the trustee in Georgia (J. Beall, Esq.,) and forwarded to New York for the signatures of the other trustees (Robt. H. Lowry and Geo. B. Carhart, Esqs., of that city) and amounted to five hundred and seventy thousand dollars (\$570,000.) These, if prepared and issued in accordance with the law, would increase the amount of State bonds to \$6,276,500; but the issuing of these of course retires the bonds of 1868, 1869 and 1870, \$645,500, and would leave the amount of the public debt \$5,631,000. The last installment of the State's subscription to A. & G. R. R., \$165,500, issued in February or August, 1867, increased the total to \$5,796,500.

"Of the temporary bonds authorized by the Convention, running (5) five years, and convertible at the option of the holder into such bonds of longer date as the Legislature might thereafter authorize, there yet remains outstanding 52 of \$500 each, amounting to \$26,000. These being entitled to exchange for the mortgage bonds, are on the same footing as the bonds of 1868, 1869 and 1870, already spoken of, and, being added to this amount, gives \$671,500. The bonds to retire this amount are the last issue, \$570,000; and the amount of the first issue in Bank Republic yet unsold, \$131,500; making seven hundred and one thousand five hundred dollars (\$701,500,) which being more than necessary for that purpose, leaves, after all the bonds to be retired have been brought in, yet a balance for the redemption of maturing coupons of \$30,000."

While Mr. Jones was in office, and just before his removal, he took up of the bonds falling due in 1868, 1869 and 1870 about \$45,000, which being added to the last remainder makes about \$75,000 for the redemption of coupons as above.

Reviewing carefully these statements and figures, and supposing all the bonds issued that were authorized, and applied to the purposes for which they were intended, and all the bonds retired, as ordered by the Legislature, Mr. Jones thinks he can safely fix the amount of the State's

bonded debt at the last grand total of five millions seven hundred and ninety-six thousand five hundred dollars, (\$5,796,500,) and he is confident it cannot vary a great deal from this amount.

If Mr. Jones is not fully understood in these explanations, he will take great pleasure in demonstrating by an examination of the bond book, in presence of the committee or before the Legislature as he may be required.

The only additional item of State indebtedness we have learned from Treasurer Angier is \$140,000 borrowed from the Fourth National Bank of New York, to aid in defraying the expenses of the called session of the Legislature of 1868. This, added to the debt statement as given by Mr. Jones above, will aggregate \$5,936,500, which we presume to be the *entire* indebtedness of the State at the time of compiling this report.

Mr. Angier reports to us that the only persons employed in his office are himself and his clerk, the former at a salary of \$2,000, the latter at a salary of \$1,600. We recommend that the Treasurer be allowed a clerk during the sessions of the Legislature, at a salary of not more than one hundred and fifty dollars per month, and that he be allowed a clerk at no other time.

The committee also received another report from the Treasurer, from which they learn that there was paid during the last session of the Legislature, which, it is true, was an unusually long one, for clerical services, the sum of \$45,352. Of this amount, \$19,639 were paid the Secretary of the Senate and his subordinates; \$20,387 were paid the Clerk of the House of Representatives and his subordinates, and \$5,326 were paid for clerks of committees.

Your committee has no means of comparing the expenditures in this particular with similar expenditures of previous Legislatures; but we insist that the amount thus expended is extravagant, and should be greatly reduced in future. We, therefore, offer the following resolution:

Resolved, That it is the opinion of this committee that both the Senate and the House of Representatives pay

about twice as much for clerical services as is demanded, and that we recommend in future that no committee of either House be allowed a clerk, except the Finance and Judiciary Committees, and that the pay of said clerks be not more than \$5 per day. We further recommend that each House confine its clerical force strictly within the requirements of the Constitution and of the Code.

We further recommend that pages, guards, assistant door-keepers and assistant messengers be dispensed with *entirely*—all of them being innovations upon ancient usage, and the expense attendant upon the same being a burden upon our impoverished treasury and inconsistent with an economical expenditure of the public money.

The contingent expenses of the two Houses at the late session were unusual, extraordinary and in the highest degree extravagant. Retrenchment in this particular is imperatively demanded. Neither the public service nor the comfort or convenience of members requires such heavy appropriations of money, and we recommend that the proper officer, in each House, be notified in advance that the most rigid economy will be insisted upon.

We further recommend that all bills for contingencies made for either House shall be audited weekly by the chairman of the Finance Committee of each House before being paid.

Our attention has also been called to the large quantity of stationery distributed during the last session of the General Assembly. We recommend that the messenger of each House be required to keep an account of the stationery furnished to each officer and member, with a view that said accounts may be examined by the Finance Committee whenever desired.

We recommend, as a measure of retrenchment, reform and economy, that members in future apply themselves diligently to the business of the country, with a view of shortening the sessions, and thus save a large amount in the way of clerical hire and *per diem* of members.

By a communication from the Executive Department we

find an unusually large number of employees in this branch of the public service. We are assured by his Excellency the Governor that all these are necessary (*temporarily*) to organize the Government, issue commissions, &c.; and that the services of all supernumeraries will be dispensed with so soon as the exigencies of the case will admit.

Believing the exigency for so many employees in the Executive Department having ceased, we recommend that the Governor discharge all the employees in his office, except his messenger and the two Secretaries allowed by law.

From the Comptroller General's report we learn that he has in his office one *extra* clerk, and that when his services can be dispensed with he will be discharged. We recommend that this extra clerk be *at once* discharged.

The Secretary of State has no employee in his office but the clerk allowed him by law.

The State Librarian has but one employee in his office. Deeming this employee unnecessary, we recommend that he be *at once* discharged.

A special committee, now investigating the condition and affairs of the Western & Atlantic Railroad, this committee deems it unnecessary to make any investigation or report thereon.

Your committee visited the Asylum for the Deaf and Dumb, located at Cave Spring, Floyd county, and were unfavorably impressed with its condition and management. The building in which are the dormitories and the school rooms is in a leaking condition, the roof needing repairs badly; and the rooms do not exhibit that cleanliness and order which should characterize an institution of this kind. The enclosure around this building is much dilapidated. The building intended for workshops, nine-tenths of which seem to be used for no purpose whatever, is *very* dilapidated—doors broken down, shutters gone, and window-glass broken. This building, if needed for the uses of the institution, should be repaired *at once*. If not needed, it should be disposed of. It will soon go to decay if left in its present condition. You committee cannot see where

the \$25,000 appropriated in 1866 for repairs have been expended.

Your committee were at a loss to find where *any* repairs had been made on any of the property.

The annual appropriations for maintaining this institution, if your committee labor under no mistake, are \$10,000 or \$12,000. Putting the average attendance of pupils at forty, we have an average of \$250 or \$300 each per annum for board and tuition. This we consider too much—located as this institution is, in the grain region, where supplies are always abundant and cheap. We think any one competent to instruct in the sign-language might well afford, with all necessary buildings and furniture provided by the State, to take charge of the deaf mutes at an average of \$100 per annum for board and tuition. For while the salaries paid the teachers and officers are not too high, yet we think an economical administration of the institution requires that there should be less of each. Too many servants are employed—much of the labor now performed by hired laborers can and ought to be performed by the students. This will appear more reasonable when it is recollected that by law there are no pay students in the institution. All are fed and educated at the expense of the State, regardless of the condition and circumstances of their parents.

We were assured that the shoe manufactory, the only branch of industry taught the pupils, is self-sustaining. Your committee is of opinion that it can and ought to be made a source of revenue. Other branches of handicraft should be taught. We do think the students, many of whom are able-bodied young men and young women, should be required to do most, if not all, of the labor required about the institution. The wood-cutting and hauling, as well as the gardening, should be done by the able-bodied young men, and the house-work by the female students.

We therefore recommend that the standing committee on this institution bring in a bill designating the officers and their duties and salaries, and prescribing the course of

study and a plan of instruction in one or more of the mechanic arts for the State Institution for the Deaf and Dumb.

Your committee next visited the Georgia Penitentiary. They were disappointed in finding the institution in a less prosperous condition than they were led to suppose from the report of the standing committee on this institution a few months since. The officers accounted for this from the fact that by far the larger portion of the able-bodied convicts had been farmed out, and had but recently left. In consequence, the labor system of the institution was in a disorganized condition.

In this connection, your committee would be derelict in their duty did they not enter their protest against the mode in which this farming out of convicts has been managed, the price paid (or promised to be paid for them) the manner in which they are worked, housed, fed and provided with medical attention.

A portion of your committee saw the hands thus farmed out to the Selma, Rome & Dalton Railroad, and were constrained to say that they gave evidence of being badly clad, unseasonably worked, and very badly housed, and illy cared for in sickness. Your committee were further convinced of these facts from the evidence of the Principal Keeper, whose sworn duty it is to see that convicts are humanely and properly cared for. Now, these unfortunate, and in a majority of cases, perhaps, abandoned, vicious and villainous creatures, are still human beings; and while they should be made to feel the full rigors of a violated law, they are still entitled to an ample supply of those creature comforts which are necessary to support life, and should not be required to labor beyond their capacity of endurance. Your committee is unanimously of the opinion that, when taken sick, they should be provided with comfortable hospital quarters and good medical attention at the expense of the contractors, instead of being returned to the Penitentiary, as is now practiced.

Your committee adopted the following recommendations,

which are respectfully submitted for the consideration of the General Assembly :

1st. Resolved, That we recommend that the convicts to be hired out should be hired at a higher rate than heretofore ; that, in the opinion of this committee, the hire of the convicts is worth at least \$50 each *per annum*, with food, clothing, comfortable quarters and medical attention, with a guaranty of humane treatment ; and that, to insure the faithful performance of these stipulations on the part of contractors, the convicts so farmed out should be inspected monthly by an officer of the institution, and every dereliction of duty or failure to comply with the stipulations of the contract be promptly reported to the Principal Keeper of the Penitentiary, who shall insist upon a prompt compliance, and on failure of the contractors to do so the Principal Keeper is authorized to annul the contract.

2d. Resolved, That we recommend that youths under eighteen years of age be not farmed out, but that they be taught a trade.

3d. Resolved, That we recommend that the Penitentiary be conducted on a more cleanly and systematic plan—the guard should be uniformed, and the buildings, workshops and hospital should be kept in as cleanly a condition as is compatible with the interests of the institution.

[NOTE.]—The committee learned through the Principal Keeper of the Penitentiary that it costs the State of Georgia an average of \$50 to receive and discharge each convict. The out-fit of each convict, when turned over to railroad contractors, costs the State not less than \$11. So that, notwithstanding the State farms out these convicts, it is yet a loser by the transaction. We deem the wages paid, \$10 each per annum, entirely too little, as we express in the resolutions above.

We recommend that the office of assistant keeper of the Penitentiary be abolished.

We recommend that the offices of book-keeper and inspector be consolidated, and that the occupant be known as book-keeper and inspector.

We recommend that the offices of superintendent of the

shoe shop and tanner be consolidated, and that the officer be known as tanner and superintendent of the shoe shop.

We recommend that the office of general overseer be abolished.

We recommend that the office of officer and secretary of the guard be abolished.

We recommend that the office of hospital steward be abolished.

We are decidedly of the opinion that the appointment of all the subordinate officers should be vested, by law, in the Principal Keeper—that they should be accountable to him, and removable, for cause, at his pleasure. If such were the law the Principal Keeper could exact a more faithful compliance of duty, with a greater certainty of being obeyed, while the Principal Keeper himself would be held to a more strict accountability for the conduct and deportment of his appointees.

Your committee, in further performance of their duty, visited the State Lunatic Asylum, “a noble monument of Georgia’s philanthropy,” and are gratified to state that, so far as they had opportunity for investigating its condition and affairs, they regard this great State charity as ably and satisfactorily managed in all its departments, and the utmost good effected, attainable with the means at the command of its authorities. Dr. Green, Superintendent, and his assistant, Dr. Powell, as well as Mr. E. J. White, steward and treasurer, are competent, capable and efficient, to all appearances discharging their respective duties with fidelity and a strict regard to the requirements of the most rigid economy.

Your committee are fully satisfied that there exists no just requirement for retrenchment in the appropriations for its support or compensation of employees. On the other hand, there is manifest necessity for liberal appropriations for urgent general repairs, the demand for which has been steadily increasing through a series of years, when no means for their accomplishment could be secured, and for effecting importantly necessary and useful improvements, including some enlargement of the means of accommoda-

tion of this unfortunate class of our fellow-citizens. In relation to which measures, the committee would refer the General Assembly to the suggestions in his report, of the Superintendent, whose sound judgment, general familiarity with the subject, and long experience in the charge of the institution, eminently qualify him to give judicious and reliable advice as to its necessities. No public institution of the State has higher claims upon the liberality and fostering care of the Legislature.

Your committee also visited the Academy for the Blind, and were highly pleased with its general management. Mr. Williams, the gentlemanly Principal, kindly gave us every facility for investigating its management and condition. Its books show that its finances are prudently managed.

The proficiency of the pupils gives evidence of fidelity in their instructors, fully guaranteeing that the mental, as well as the moral, education of these unfortunates is entrusted to the proper hands. We do not think the officers and employees are extravagantly compensated for their important and valuable services.

This institution is allowed by law, if we mistake not, to charge the parents and guardians of those pupils who have the pecuniary ability a reasonable sum for their maintenance and tuition, but we were unable to find that any of them *do* pay. Now, if any of these unfortunates are unable to pay, they *should* be the recipients of the State's bounty and charity; but where the ability exists, we can see no good reason why they should not be compelled to pay.

Your committee have had under consideration the appropriations heretofore made by the General Assembly for the education of maimed soldiers. The motive that prompted the appropriations we do not question; nevertheless, after a careful examination of the whole subject, your committee think that this bounty of the State, although heretofore employed in a commendable enterprise, may be much better directed. Your committee, therefore, recommend that appropriations for the purpose

of educating maimed soldiers at the expense of the State as above alluded to be at once discontinued, and in lieu of the plan which has been pursued for the last two years, we request that the Committee on Education report a bill in accordance with the Constitution, by which a system of common school education may be inaugurated which will insure a substantial education to every child and indigent maimed soldier in the State.

In conclusion, we would assure your honorable bodies that your committee will exercise due diligence and report promptly upon any and all measures referred to them, to the end that the object for which our committee was appointed.

Our thanks are hereby tendered to Hon. W. W. Merrill and Hon. W. P. Price, chairmen of the respective committees, for their kind and impartial deportment towards each individual member of this committee.

Our thanks are also tendered to our energetic and efficient clerk, L. Carrington, for the polite and accommodating manner in which he has universally treated this committee, as well as for the faithful manner in which he has discharged the duties of his position.

All of which is respectfully submitted.

(Signed)

W. W. MERRILL,
C. B. WOOTEN,
M. C. SMITH,
JOHN HARRIS,
A. D. NUNNALLY,
Senate Committee.

W. P. PRICE,
HIRAM WILLIAMS,
EPHRAIM TWEEDY,
A. H. LEE,
W. B. GRAY,
T. W. GRIMES,
F. W. HOLDEN,
SAM'L McCOMB,
W. D. ANDERSON,
R. W. FLOURNOY,
W. C. DRAKE,
House Committee.

On motion of Mr. Speer the report was laid on the table for the present, and the Secretary directed to have fifty copies of the same printed for the use of the Senate.

On motion the Senate took up the message of the House on the resolution authorizing the State Treasurer to advance to the members and officers of the General Assembly one hundred dollars each.

On motion the Senate receded from its second amendment to said resolution, and the Secretary was directed to transmit the action of the Senate forthwith to the House.

On motion the rules were suspended, and Mr. Wooten offered the following resolution, to wit :

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to employ, in addition to those specially provided for by law, such clerical force, not to exceed ten in number, as may be necessary for the dispatch of the business of his department, pay to begin with service.

Mr. Bruton offered the following amendment, which was accepted by Mr. Wooten, to wit :

Provided, That no additional force shall be employed except that which may be considered necessary by the Enrolling Committee after an examination of the labor to be performed.

Mr. Hungerford offered the following as a substitute for the whole, to wit :

Resolved, That the appointment of additional clerks be left to the discretion of a special committee of five.

Mr. Candler moved that the whole subject be referred to the Enrolling Committee, and that said committee report to the Senate whether there exists a necessity for the employment of additional clerks.

The question was put upon the motion of Mr. Candler, which was agreed to.

Mr. Winn offered the following resolution, to wit :

Resolved, That the Judiciary Committee be, and they are hereby, instructed to prepare and report a bill for the organization of juries in this State.

Mr. Speer moved to lay the resolution on the table, which was not agreed to.

The question was then put upon the resolution, which was adopted.

The Senate took up the message of the House on the resolution providing that a committee of two from the House and two from the Senate be directed to examine the committee rooms for the use of the Senate and House of Representatives, and make the proper distribution of them among the several committees of both Houses.

Mr. Wellborn offered the following as a substitute, to wit :

Resolved by the Senate and House of Representatives, That the chairman of the Senate Committee on Public Buildings, and the chairman of the House committee on the same, be required at once to assign to the several committees, and to the officers of the General Assembly, the rooms in the capitol building provided for their use.

The question was put upon the substitute of Mr. Wellborn, which was lost.

The resolution of the House was then concurred in.

The chair announced as the committee on the part of the Senate, under the foregoing resolution, Messrs. Candler and Wellborn.

On motion the rules were suspended and the following bill of the House was taken up and read the first time, to wit :

A bill to authorize the holding of the Superior Courts in Clarke and Baldwin counties at the February term 1869, and provide juries therefor.

Mr. Hungerford offered the following resolution, which was lost, to wit :

Resolved, That the Secretary of the Senate be instructed to see why the Governor's Message and accompanying documents are detained, and when they will be ready for distribution.

On motion the rules were suspended and the following bills were introduced and severally read the first time, to wit :

By Mr. Merrill—

A bill to amend an act entitled an act to give landlords liens upon the crops of tenants, and for other purposes, approved March 16, 1866.

Also, a bill to amend an act entitled an act to provide for setting apart a homestead of realty and personalty and for the valuation of said property, and for the full and complete protection and security of the same to the sole use and benefit of families, as required by section first, article seventh, of the Constitution.

By Mr. Welch—

A bill to amend the city charter of Albany, Georgia.

By Mr. Hinton—

A bill to authorize William J. Avery, of the county of Meriwether, to peddle without license.

By Mr. Nunnally—

A bill to authorize Ordinaries of the several counties of this State to appoint commissioners to admeasure, lay off and assign dower.

By Mr. Fain—

A bill to increase the fees of jurors, and to make their compensation adequate for the services rendered.

By Mr. Anderson—

A bill to create the office of State Geologist ; to provide the mode of election and define his duties.

By Mr. Lester—

A bill to change the times of holding the Superior Courts of Bryan county

Mr. Fain moved that when the Senate adjourns it shall stand adjourned until Monday morning next at 10 o'clock, which was agreed to.

The Senate took up the bill to change the county line between the counties of Carroll and Campbell.

The Committee on New Counties and County Lines, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to regulate the issuing and serving of subpoenas in cases in Chatham Superior Court and the City Court of Savannah.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to exempt from jury duty certain members of the Germania Fire Company, the Metropolitan Fire Company, and the Marshall Hose Company, of the city of Savannah.

Mr. McArthur moved to amend the bill by inserting the following proviso, which was accepted, to wit :

“ Provided, That those exempt shall be active, and not honorary, members of said companies.”

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee, as amended, was agreed to. The bill was read the third time and passed.

The Senate took up the bill to establish a Circuit Court to be known as the Columbus Circuit.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

Mr. Hinton moved to disagree to the report of the committee. Pending further action, the hour having arrived, the President announced the Senate adjourned until Monday morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Monday, January 25, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Hunt.

The roll was called and the Journal of Friday read and approved.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following act :

An act to provide for the holding of Floyd and Polk Superior Courts ; to legalize the juries drawn by the Clerks, Sheriffs and Ordinaries of said counties, and to legalize the contemplated adjourned term of Floyd Superior Court, and for other purposes.

E. I. HIGBEE,
Chairman Committee on Enrollment.

The following message was received from the House of Representatives through Mr. Hardin, their Clerk :

Mr. President :

The House of Representatives has passed the following bills :

A bill to repeal an act entitled an act to repeal the sixth section of the charter of the Atlanta Medical College, assented to on the 14th day of December, 1858, and to define more fully the powers of the Board of Trustees of said College, and to enlarge said board.

A bill to make it a penal offense to hunt with fire at night in the counties of Brooks, Floyd, Thomas and Randolph.

A bill to consolidate and amend the several acts incorporating the town of Lumpkin, in the county of Stewart, and to grant certain privileges to the same.

A bill to define the true intent and meaning of section 3652 of the Code of Georgia.

They have also adopted the following resolution :

A resolution submitted by the committee appointed last session to investigate the condition of the Pioneer Cotton Card Manufacturing Company.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following resolution :

A resolution authorizing the State Treasurer to advance to members, officers and authorized clerks the sum of one hundred dollars each.

E. I. HIGBEE,
Chairman Committee on Enrollment.

The following message was received from the House of Representatives through their Clerk, Mr. Hardin :

Mr. President :

The House of Representatives has unanimously agreed to the report, and adopted the resolution of the special committee on the condition of the State's endorsement of the bonds of the Macon & Brunswick Railroad.

The Senate resumed the unfinished business of Friday, the same being the bill to establish a circuit of Superior Courts to be known as the Columbus Circuit.

Mr. Wooten offered the following amendment to be added to the latter clause of the first section, to wit :

“Provided, That before this bill shall become a law, the people of Muscogee county shall, by a popular vote on that subject, consent to pay into the State Treasury an extra tax sufficient to pay the salaries of the Judge and Solicitors of said circuit.”

Mr. Bruton moved that the bill be referred to the Judiciary Committee with instructions to report whether or not the Judicial Circuits of this State ought to be increased, and if so, to what number and what counties shall compose the respective circuits.

The question was put upon the motion of Mr. Bruton, which was not agreed to.

The question was then put upon the amendment as proposed by Mr. Wooten, which was lost.

The question then recurred upon the report of the committee, which was agreed to, and the bill was lost.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President

The Committee on Enrollment, to whom has been referred a resolution authorizing the appointment of additional clerks, ask leave to report that they have had the same under consideration, and, after inquiry into the amount of business to be done by the subordinate clerks of the Secretary, they respectfully recommend the adoption of the following resolution :

Resolved, That the Secretary of the Senate is hereby authorized to appoint not exceeding five additional clerks after the same have been examined by the Enrolling Committee, and their competency for the discharge of the duties required of them shall have been certified to the Senate as required by the Code.

E. I. HIGBEE,

Chairman Committee on Enrollment.

Mr. Wooten offered the following resolution, to wit :

Resolved, That the report of the Committee on Enrollment, in relation to the clerical force of the Secretary, be adopted—on condition, however, that the Secretary may, from time to time, employ such additional clerks as the exigencies of the business of his department may require, subject to the approval of the Senate.

After debate Mr. Speer called for the previous question, which being sustained, the main question was put upon the resolution of Mr. Wooten, which was adopted.

The Senate took up the message of the House on the resolution submitted by the joint committee appointed at the last session to investigate the condition of the Pioneer Cotton Card Manufacturing Company

On motion the same was referred to the Finance Committee.

The Senate took up the message of the House on the resolution of the special joint committee appointed to take into consideration the condition of the State's endorsement on the bonds of the Macon & Brunswick Railroad Company.

After debate Mr. Wooten moved to refer the report back to the committee for further consideration.

Mr. Harris moved to refer the same to the Judiciary Committee.

Pending further action, the hour having arrived, the President announced the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Tuesday, January 26, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Brantly.

The roll was called and the Journal of the previous day read and approved.

The Honorable Mr. Nesbitt appeared and took his seat.

Mr. Candler, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the adoption of the resolution, as offered by Mr. Wooten, authorizing the Secretary of the Senate to employ additional clerks, &c.

After debate Mr. Speer moved to lay the motion to reconsider on the table, whereupon the yeas and nays were required to be recorded, and are yeas 19, nays 16.

Those voting in the affirmative are—

Messrs. Bowers, Dickey, Fain, Harris, Hicks, Hungerford, Jordan, Merrill, McArthur, McWhorter, Moore, Nunnally, Richardson, Sherman, Smith 7th, Smith 36th, Speer, Wellborn and Welch.

Those voting in the negative are—

Messrs. Adams, Adkins, Brock, Bruton, Burns, Candler,

Colman, Collier, Corbitt, Gignilliat, Graham, Griffin 6th, Hinton, Holcombe, Lester and Nesbitt.

So the motion to reconsider was laid on the table.

The following message was received from his Excellency, the Governor, by Mr. de Graffenried, his Secretary, to wit :

Mr. President :

I am directed by the Governor to deliver to the Senate a communication in writing with accompanying document:

EXECUTIVE DEPARTMENT,
ATLANTA, GA., January 25, 1869.

To the General Assembly :

I have the honor to submit herewith the Seventeenth Annual Report of the Board of Trustees of the Georgia Academy for the Blind.

RUFUS B. BULLOCK, Governor.

To his Excellency Rufus B. Bullock, Governor of Georgia :

SIR: The Trustees of the Georgia Academy for the Blind submit the following as their Seventeenth Annual Report :

The trustees furnished Provisional Governor Ruger a report in detail of the affairs of the academy beginning from the close of the last fiscal year, which ended with October, 1867, and extending to July, 1868. To this report they now refer as furnishing the history of the academy for the time included between those dates. The report of the treasurer, which was made a part of said report, stated that the receipts of the institution in the period referred to had been—

From the Treasury of the State....	\$1,500 00
From other sources....	442 57
Total.....	\$1,942 57
The disbursement had been, upon orders of the Board.....	4,942 57
Balance.....	00

From this it will be seen that the treasury of the institution was at that time, July 1, 1868, empty.

A like reference to the report of the Principal, also constituting a part of said report of the trustees, shows that—

The sum of his expenditures had been.....	\$7,380 84
His receipts had been—balance from previous fiscal year.	\$ 390 43
Sum of orders of the Board. ..	4,942 57
	<hr/>
	\$5,333 00
Balance being indebtedness.	\$2,047 84

These references show that the institution at that date, July 1, 1868, was in debt in the sum of \$2,047 84. Said report, as a whole, will furnish a sort of link with which to connect the financial operations of the period embraced in this report with those of that for which appropriation was made by the former Legislature.

*Late laws have advanced the beginning of the fiscal year from November 1, as it formerly began, to January 1, and now make the fiscal year conform with the calendar year. The effect of this action has been to add two months to the fiscal year just closed. But the appropriation made by the Legislature at its late session for the support of the Academy for the Blind was for the period embraced between July 1, 1868, to January 1, 1869.

With these brief references to the former report of this board, and allusions to the changes in the law, the trustees would respectfully call attention to the accompanying reports of the Treasurer and of the Principal. The former shows that the treasury of the academy for the Blind in the six months under consideration has received—

From the Treasury of the State, upon appropriation made by Provisional Governor Ruger.....	\$2,500 00
From the Treasury of the State, upon appropriation made by Legislature.	5,000 00
Other sources.....	147 00
	<hr/>
Total	\$7,647 00
That it has paid out, upon orders of the Board to the Principal, the amount.....	7,647 00

Tracing this sum into the hands of the Principal, it is

shown in the report of that officer that he has disbursed it as follows :

Upon balance of indebtedness of July 1.	\$2,047 84
Upon expenditures since—as classified.	5,394 29
Upon cash in hand remaining.	204 87
Making	\$7,647 00

For information on other subjects involving the interests of the institution, the trustees respectfully refer to the elaborate and carefully prepared report of Principal Williams, which exhibits very fully its present status.

The appropriation desired by the trustees for the maintenance of the institution for the political year, commencing with the first day of January, 1869, is *eleven thousand dollars*.

In regard to the expenditures the trustees believe that they can honestly say that the financial affairs of the Georgia Academy for the Blind have been managed with the strictest regard to a wise economy by the Principal, whom, after an experience of more than ten years, they have found to be in the highest degree a competent and faithful officer. The institution and the public are under great obligations to him for the manner in which he has, with the assistance of that excellent and faithful officer, Miss H. Guilan, carried it through the troublous and embarrassing times since 1860.

With these remarks the trustees heartily commend the academy to the fostering care of the Governor and the Legislative Assembly.

Respectfully submitted, by order of the Board of Trustees.

JAMES MERCER GREEN,

President Board of Trustees.

Georgia Academy for the Blind, Macon, January, 1869.

DR. Henry L. Jewett, *Treasurer, in Account with Georgia Academy for the Blind, to Dec. 31, 1868.* CR.

DR. *Henry L. Jewett, Treasurer, in Account with Georgia Academy for the Blind, to Dec. 31, 1868.* CR.

[illegible]

HENRY L. JEWETT, Treasurer.

MACON, GEORGIA, December 31, 1868.

REPORT OF THE PRINCIPAL TO THE TRUSTEES.

GEORGIA ACADEMY FOR THE BLIND,
MACON, January, 1869.

GENTLEMEN: Appended to this report is a list of the names of the blind youths and children that have been receiving, during the past year, the advantages which this institution, in its various departments, is designed to confer. The whole number is *thirty-eight*, of which five have been employed exclusively in the department of handicrafts; *six*, in the same, and also in the other departments, and the remainder entirely in the school. Eight of them have left the institution to enter upon the business of life, one has died, and five are the accessions of the year.

The course of studies and the order of school-room exercises remain, with little, if any change, the same as reported heretofore, year after year; and the progress of the pupils is no less satisfactory. In the department of music, instruction on the organ has been introduced. The organ has ever been a favorite instrument with the blind, and its acquisition in the institution supplies a long felt desideratum. The position of organist to a church offers to the educated blind person, not only a pleasing employment, but often a well-sustained livelihood.

The department of handicrafts, organized for the purpose of training blind males in such branches of mechanical work as may be found adapted to their condition, is successfully accomplishing its object. It is about self-sustaining, which is, perhaps, as much as it ought to be expected to do. Mr. Geo. Wilson, a graduate of the department, is the foreman of the shop, and very efficient in the place.

The foregoing topics, which properly considered and discussed, should constitute the subject-matter of my annual communication to the board, have been purposely dismissed with but a brief mention, in order that space might be allowed for a somewhat detailed and extensive elucidation of the expenditures of the institution. This is a work, however, not needful for the information of the board. But

this is an institution supported by the State, and the Principal's report is made a part of the annual report of the trustees to the Executive of the State. It is proper that the expenditures of the public institutions should always be inspected closely by the public authorities. Moreover, such an elucidation was suggested by a visit from the joint committee upon the subject of retrenchment of both branches of the Legislature.

The expenditures of the Georgia Academy for the Blind are made entirely through the Principal, who is made responsible to the Board of Trustees. He is required to keep in suitable books, just and true accounts of all expenditures, taking vouchers for every item and filing them in his office. He is required to submit, in monthly reports, details of his transactions, and furnish statements of his accounts, accompanied with vouchers, to be audited by the board. No extraordinary expenditure, that is, such as do not occur in the regular course of maintaining the institution, is made by him without the order or consent of the board previously had. His books and papers are always open and subject to the inspection of the board. These rules have been observed.

With these remarks, I submit the following statement of the financial operations of my office since the date of your last report to the Executive of the State—that is for the period embraced between July 1, 1868 and January 1, 1869 :

1st. Receipts, to wit—

1st. Appropriation from Board . . .	\$2,518 00
2d. Appropriation from Board	2,500 00
3d. Appropriation from Board	2,629 00
	<hr/>
	\$7,647 00

2d. Disbursements, to wit—

1st. On balance unpaid July 1st	\$2,047 84
2d. For Salaries	\$1,335 00
For Postage and Stationery	16 51
For Traveling expenses	93 85
For School expenses	13 92
For Music expenses	462 50
For Pupil's clothes	230 94
For House furnishing	149 88
For Servant hire	358 25
For Fuel and Lights	292 75
For Provisions	2,125 96
For Special	314 73
	<hr/>
	\$5,394 29
	<hr/>
	\$7,442 13
Cash balance on hand	\$204 87

This exhibit represents that the institution is out of debt, and has a cash balance of \$204 87 with which to begin the new year; but it is not fair, however, that this exhibit should be taken as the true criterion of the expenses of the academy, or be made the basis upon which to make the estimates of the wants of the ensuing year. It embraces the experience of six months only. Practically, there is a difference in the expensiveness of the respective halves of the year. This exhibit embraces that half of the year in which the supplies we require are both less numerous and less costly. Also, it includes July and August, the two months of our annual vacation. On the other hand, the institution having been maintained somewhat on the credit system, the accounts of the previous half year have, in many cases, remained over, and become blended with the accounts of this half. In fact, bills for various items not reported in the balance of indebtedness shown in the last report have been paid, and included in the classification which this exhibit furnishes. It would be

fairer to take a period of time embracing all seasons of the year, and also including this half year. We will, therefore, take from the books a classified abstract of the expenditures of such a period. At the close of the fiscal year, which ended October 31, 1867, the accounts of the academy were all balanced and closed up. The same is now (January 1, 1869,) the case. Between these dates, a period of fourteen months, nearly five quarters, intervened. This interval includes all classes of expenditures. The average attendance of pupils was thirty-five. It is claimed and believed, also, that there could not have been, under the circumstances, a more economical administration of the expenses of the establishment, with a due reference to the academy, and a proper regard for the health, comfort and well-being of the household, than was practiced in this time. The following is the abstract :

Classification of Expenditures of the Period of the Fourteen Months between Oct. 31, 1867, and Jan. 1, 1869.

1st head—Salaries.	\$3,705 00
2d head—Postage and Stationery.	38 69
3d head—Traveling expenses.	145 15
4th head—School expenses.	32 02
5th head—Music expenses.	521 45
6th head—Pupil's clothes.	471 64
7th head—House furnishing.	287 08
8th head—Servants' hire.	727 50
9th head—Fuel and Lights.	975 50
10th head—Provisions.	4,503 22
11th head—Special.	1,367 88
12th head—Total.	<hr/> \$12,775 13

It is proposed now to examine separately and explain the several heads of the foregoing classification, and to note how much or how little they are dependent upon the number of pupils in attendance.

1st HEAD.—Salaries being paid by the quarter, the amount given is, in fact, the amount of the salaries for five quarters ; it therefore exceeds by the average of one month the proper amount for the time specified. As the institution is now officered, the salaries for one full year will not

exceed three thousand dollars. They include that of the Principal, whose office combines the duties of accountant and steward to the establishment, of teacher in the school, and of the responsible head and director of all departments; that of the professor of music, and those of the ladies employed both as teachers and assistants in the school, and also in the offices of the domestic department. The expenditure upon salaries will be a little variable accordingly as there may be changes among the officers. But in an institution of this kind, the amount for certain salaries will be necessarily a fixed amount. The organization of a school for the blind requires, first of all, in its respective departments, certain qualified, competent and responsible persons as heads or chiefs. The services of such persons in other positions would command good salaries—in this, they should have adequate compensation. It is believed that the officers of this institution are receiving just compensation, but it is known that there is not one of them who cannot do as well pecuniarily elsewhere. It is believed that the business of the proper training of the blind requires proportionally more work than that of any other class of youth. The pupil must have, more or less throughout the greater part of his course, the constant assistance of some one more advanced than himself, that is, of his teacher, and classification to the extent that it is practiced in the common schools is impossible. Our more advanced pupils are required to supplement, in a great degree, the labors of the school-room, and also to give much assistance in the music department. The officers required for the proper organization of a school will be sufficient for a certain number of pupils. When the school grows beyond that number, the services of others will be required, but these last may be officers of inferior grade, with less compensation—hence the appropriation for salaries need not advance proportionally with the increase of the school. In this institution an increase in the number of pupils, amounting to fifty per cent., might be made with the addition of no more than, perhaps not as much as, ten per cent. to the sum paid on salaries.

2d HEAD.—This will not be thought very heavy for the paper, envelopes, pens, ink, post office box rent, letter and newspaper postage of a household as large as that of this institution.

3d HEAD.—The necessary business of the institution requires its officers to travel away from home on some occasions, and especially in the matter of hunting up the indigent blind of the State. Expenses are incurred in the going home and returning of pupils on the occasion of the annual vacation: The institution undertakes to receive and distribute, at Atlanta, all the pupils whose homes are beyond that point. The railroads of the State are very generous in furnishing free passes; without which kindness the number of pupils would necessarily be much restricted, there being so many of the blind utterly unable to find transportation otherwise to and from the institution. Still, there are charges for omnibus fare, drayage, hotel accommodations. This expenditure is not excessive, and it will vary more or less with the number of pupils in school.

4th HEAD.—This amount is much below the average required annually to keep up the supply of books and apparatus necessary for the instruction of our pupils. In the next year it will be necessary to renew and make additions to the stock of this sort of furniture at a cost of at least two hundred dollars. This expenditure, although somewhat irregular, will be affected generally with the variations of the number of the household.

5th HEAD.—This head covers the expenditures for music and on musical instruments. The chief item included in the amount is the purchase of a new and valuable instrument—a parlor organ—much needed in the institution. We have in daily use in the institution five pianos—some of which have been in service from the beginning, and all of them but one purchased before the war. These require much attention in order to be kept in repair and tune, and in that condition fitted for the practice of persons looking forward to, and training for, the professional vocation of

musicians and teachers of music as a means of living. This is important since, perhaps, nothing so tends to vitiate a good musical ear, to engender a bad musical taste, or to neutralize careful and correct musical instruction with the young, as an old, creaking, crazy, uncertain-sounding musical instrument. Besides the expense of keeping the pianos in order, there is a number of violins and guitars in the school, to be furnished with strings, bows, bridges, screws, &c., and there is necessity for new music and musical books for the use of the class. Without the addition of any new musical instrument two hundred dollars would not be an excessive annual expenditure for the objects included under this head. The amount will, in this case, vary with the size of the musical class.

6th HEAD.—It is required, in all cases where it can be done, that the friends of the pupil furnish all needful and proper clothing, or provide means therefor. This is generally done, and the treasurer's books show that much of this expenditure is refunded. Still, we have some pupils who are entirely dependent upon the academy for clothing. On this account the nett proceeds of concerts and other private perquisites of the pupils are given in relief of this charge.

7th HEAD.—House furnishing includes a variety of expenditures relating to the furniture and wares of the household, kitchen, dining rooms, bed rooms, school rooms, laundry and wash house. The amount will be thought quite reasonable by any observant housekeeper who has had at any time the affairs of a large family to look after. Our workshop, with its labor and manufactures, contributes much towards abating expenditures included under this head. This expenditure will vary very nearly with the number in school.

8th HEAD.—The helplessness of the blind, a large house and a large lot, the necessities of a large family, all require the labor of servants, and the number of them must be equal to the demand. It is very desirable for us to have trustworthy, reliable and experienced men and women in

this capacity, and when we have once secured such to retain their services, but we have no supernumeraries. The amount of this expenditure is within reasonable requirement and beyond certain limits; it will vary generally with the number of pupils.

9th HEAD.—The sum of this class of expenditures is very large. It would afford me much satisfaction to reduce it. We have done our best to keep it down. We use the cheapest article of fuel, and we have no more fires than are necessary, but it seems that our winters are colder and more protracted than formerly, and that wood and coal consume with increased rapidity. We burn gas for lights, which is expensive illumination. Candles and coal oil are cheaper, but the safety of the household is to be considered. Gas burners are fixed and out of the common reach. Candles and lamps are portable and the subjects of carelessness, negligence and accident. This class of expenditures will not be greatly influenced by an increase in the number of pupils, the number of places where fires and lights are used being fixed and, generally, already in use.

10th HEAD.—This head sufficiently explains itself. The actual cost of the provisions used in the household, including all its members, as officers, pupils, servants, etc., during this period, amounts to about six dollars per head per month. In this ratio the amount expended for provisions will increase with the number of pupils—the number of other consumers and the prices remaining the same as at present.

11th HEAD.—The range of subjects included under this head is very extensive, embracing every expenditure which does not appropriately belong to the others, such as insurance upon the building, repairs and improvements on the house or grounds, printing, advertising, drugs, medical bills, funeral expenses in cases of death, and, in general, any extraordinary expenditure or investment that may become necessary or proper during the year. The chief item has been, and will probably continue to be, that which relates to the safety, preservation and improvement of the property of the institution. Next to that, will be that

which respects the health of the pupils, although this last makes but a small proportion of the amount in this instance. The amount of this class of expenditure will vary very much from year to year, but it will not be greatly influenced generally by the number of pupils in school.

12th HEAD.—The sum total of all expenditures. Every item included in this has passed under the revision of the board, and had its approval. Those occurring in the last six months of the period are given in the classification of disbursements furnished in a former part of this report, and those belonging to the eight months previous were given in my report of last July. The average amount per month is \$912 50. In this period, it will be seen, from the two reports of your Treasurer, that the academy received from the State treasury twelve thousand dollars, namely: forty-five hundred upon the warrants of Governor Ruger, and twenty-five hundred upon the warrant of Governor Bullock, in virtue of the appropriation made by the former, and five thousand upon the warrants of Governor Bullock, in virtue of the special appropriation of the Legislature.

Taking the experience and teachings of these fourteen months as the proper basis for the estimates of the probable wants of the Academy for the Blind for the fiscal year beginning with this current year, as an appropriation from the State treasury, I think the sum of eleven thousand dollars will be required; and I suggest that the board ask the appropriation of that amount by the Legislature, for the payment of salaries, the support of the pupils, and the maintenance of the institution during the year 1869.

There is an irregular source of income to the institution, principally from pupils of other States, pay pupils of this State, and clothing bills refunded, amounting annually to some sum less than one thousand dollars. This might be held as a contingent fund for any emergency that might arise in the course of the year, and would authorize us to make exertions to increase the number of pupils without the great risk and consequent prudent fear of overtaxing the resources of the institution. If the amount should not

be called into requisition during the year, then, in consequence of it as a balance on hand, the institution could well and safely abate by that amount its application to the Legislature for an appropriation for the next year.

Practically, it makes very little, provided it is enough to satisfy the economical demands of the year, what sum is appropriated by the Legislature for the support of the Academy for the Blind. Had the board a surfeiting treasury, or had it the entire resources of the State treasury at its command, it need not, and would not, authorize a needless expenditure, or use one dollar beyond the requirements of judicious economy. Such has been its practice from the foundation of the institution.

In conclusion, allow me once more to express my thanks to all the subordinate officers for their cordial co-operation with me in the management of the institution, and for their zeal, fidelity and diligence in their respective places. To them I am greatly indebted for any success that I may have attained in the business. It is also with much pleasure that I here take occasion to refer to the uniform good deportment, docility and application of the pupils, and to the unvarying spirit of mutual kindness and good will that has prevailed among the members of the household. To the trustees, personally and as a board, I am under many obligations for the kindly consideration they have shown me, in the present no less than in the previous years of my connection with the institution, and for the unwearied interest they take in its affairs, and for the sacrifice of time, labor and business opportunities in their respective professions and avocations, without compensation, to attend the numerous meetings of the board, and meet the various other calls imposed upon them by the business of the trustees.

Respectfully submitted.

W. D. WILLIAMS, Principal.

APPENDIX TO PRINCIPAL'S REPORT—PUPILS.

MALES.

James Baker, ———.

Josephus Barnes, Bibb county.

John J. Burks, Clayton county.
 John T. Camp, Bibb county.
 John T. Coley, Stewart county.
 W. B. Copeland, Harris county.
 James H. Cupp, Catoosa county.
 James R. Davis, Crawford county.
 Stephen Dickerson, Schley county.
 Josiah S. Graves, Floyd county.
 James Gibson, Twiggs county.
 J. G. F. Hendrix, Coweta county.
 Wiley Jones, Bibb county.
 Stephen Moore, South Carolina.
 Lewis A. Porter, Richmond county.
 George W. Stone, Newton county.
 J. A. Walters, Macon county.
 Wencil Yanatchek, Louisiana.

FEMALES.

Missouri Barber, Jones county.
 Mary Ella Bates, Gordon county.
 Pauline Beaman, Bartow county.
 Mary Brenner, Richmond county.
 M. M. Churchwell,* Twiggs county.
 Maria Cobb, Bibb county.
 Minner Collins, Alabama.
 Nannie Coley, Stewart county.
 Susan V. Coley, Stewart county.
 Mary P. Ellington, Wilkes county.
 Sallie Hudgins, Gordon county.
 Susan E. Hudgins, Gordon county.
 Alice King, Fulton county.
 Martha J. Leonard, Baldwin county.
 Lilly E. McCarson, Warren county.
 Kitty McGuire, Cobb county.
 Fanny McInvale, Crawford county.
 Malinda N. Smith, White county.
 Alice Spires, Randolph county.
 Mary E. Taylor, Macon county.

*Deceased.

The Senate resumed the unfinished business of yesterday, the same being the message of the House on the resolution of the special joint committee appointed to take into consideration the condition of the State's endorsement on the bonds of the Macon & Brunswick Railroad.

After debate Mr. Moore called for the previous question, which being sustained, the main question was put upon the motion of Mr. Harris, to refer to the Judiciary Committee, which was not agreed to. The question was then put upon the motion of Mr. Wooten to refer the report back to the committee, which was lost.

The question then recurred upon the adoption of the report of the committee. Whereupon the yeas and nays were required to be recorded, and are yeas 26, nays 10.

Those voting in the affirmative are—

Messrs. Adams, Adkins, Bowers, Colman, Collier, Corbitt, Dickey, Fain, Graham, Griffin 6th, Hicks, Holcombe, Hungerford, Merrill, McArthur, McCutchen, McWhorter, Moore, Nesbitt, Richardson, Sherman, Smith 7th, Smith 36th, Speer, Wellborn, Welch.

Those voting in the negative are—

Messrs. Bruton, Burns, Candler, Gignilliat, Harris, Hinton, Jordan, Lester, Winn, Wooten.

So the report of the committee was agreed to, and resolution concurred in.

On motion leave of absence was granted to Senators Hinton and Moore for a few days.

On motion of Mr. Speer the rules were suspended for the introduction of bills and the reading of the same for the first time.

The following bills were introduced and severally read the first time, to wit :

By Mr. Smith of the 7th District—

A bill to amend an act approved October 9, 1868, to prevent the sale of lottery tickets in this State, &c.

By Mr. Welch—

A bill to establish a fund and organize a common school system.

By Mr. Wooten—

A bill to amend section 3329 of the Code in relation to suits against railroad companies.

Also, a bill to authorize agents and attorneys at law of defendants to make oath to pleas in certain cases.

By Mr. Speer—

A bill to make valid the acts of certain notaries in this State.

Also, a bill to lay off and organize a new county out of the counties of Pike, Monroe and Upson, to be called ——— county, and attach the same to the Flint Judicial Circuit and Fourth Congressional District.

Also, a bill to define and punish parties for removing or destroying copartnership fencing.

By Mr. McWhorter—

A bill to give physicians liens on the property of their employers.

By Mr. Candler—

A bill to amend section 3351 of Irwin's Code.

Also, a bill for securing and collecting costs, and for computing fees and costs when paid in currency.

Also, a bill to fix the fees of Ordinaries in the cases herein mentioned.

Also, a bill in relation to taking down evidence in criminal trials.

Also, a bill to fix the fees of Sheriffs in certain cases.

Also, a bill to fix the fees of Clerks of the Superior Courts in certain cases.

By Mr. Smith of 36th District—

A bill to authorize the Ordinary of Coweta county to retain a portion of the State tax collected in said county for the purpose of aiding in the construction of a jail house.

By Mr. Merrill—

A bill amendatory of an act approved February 14, 1854, entitled an act to change the lines between the fourth and sixth districts of Troup county, and to change the lines between certain counties therein mentioned, so far as re-

gards the lines between the counties of Talbot and Meriwether, and to define the same, and for other purposes.

By Mr. Brock—

A bill to repeal the 3525th section of Irwin's Revised Code of Georgia, so far as the same creates liens on real and personal property in the hands of *bona fide* purchasers for a valuable consideration.

By Mr. Wellborn—

A bill to alter and amend an act entitled an act to incorporate the Union and Lumpkin Turnpike Company, and to grant certain privileges to the same, assented to 28th December, 1843; to extend the time for the operation of said charter; to change the name of the same, and for other purposes.

By Mr. Fain—

A bill to give the Ordinaries of the respective counties of this State jurisdiction in cases of nuisance.

The following bill of the House of Representatives was taken up and read the first time, to wit:

A bill to repeal an act entitled an act to repeal the sixth section of the charter of the Atlanta Medical College, assented to on the 14th day of December, 1858, and to define more fully the powers of the Board of Trustees of said College, and to enlarge said board.

On motion the rules were suspended, and the Senate took up the following bill of the House of Representatives, which was read the second time and referred to the Judiciary Committee, to wit:

A bill to authorize the holding of the Superior Courts in Clarke and Baldwin counties at the February term 1869, and to provide juries therefor.

Mr. Candler, from the joint committee appointed to examine the committee rooms and assign committees to the same, made the following report, which was taken up and adopted, to wit:

The committee appointed by your honorable body to examine the committee rooms in this building and assign committees to the same, have attended to their duties, and

beg leave to report that they have assigned the various committees to rooms as follows :

ROOM No. 21.

Committee on Journals,
Committee on Printing,
Committee on Auditing.

ROOM No. 38.

Committee on Privileges and Elections,
Committee on Retrenchment,
Committee on Lunatic Asylum,
Committee on New Counties and County Lines.

ROOM No. 40.

Committee on Judiciary.

ROOM No. 41.

Committee on Enrollment.

ROOM No. 42.

Committee on Engrossing.

ROOM No. 43.

Committee on Finance,
Committee on Penitentiary,
Committee on Banks.

ROOM No. 44.

Committee on Internal Improvements.

ROOM No. 45.

Committee on General Education,
Committee on Military.

ROOM No. 46.

Committee on the State of the Republic,
Committee on Agriculture and Commerce,
Committee on Public Buildings.

ROOM No. 48.

Committee on Deaf and Dumb,
Committee on Blind Asylum.

The said committee rooms will be in charge of, and kept in proper order by, the "Keeper of the Capitol Grounds

and other State property at the Seat of Government." He will have a porter on the floor on which said rooms are situated, who will be in attendance from 8 o'clock, A. M., till 9 o'clock, P. M., to keep the rooms in order, and hold the keys thereto. At all other times the keys will be in the possession of said keeper.

MILTON A. CANDLER, Chairman.

Mr. Speer offered the following resolution, which was taken up, read and adopted, to wit :

Resolved, That the Committee on Finance be requested to ascertain and report to the Senate the number of Irwin's Revised Code furnished the State, and the amount paid for the same since the adjournment of the last session of the General Assembly, under a joint resolution adopted by that body.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,
Wednesday, January 27, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Hinton, Honorable Senator from the 24th District.

The roll was called, and the Journal of the previous day was read and approved.

Mr. Winn moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the report of the joint committee appointed to take into consideration the condition of the State's endorsement on the bonds of the Macon & Brunswick Railroad Company.

After debate Mr. Holcombe moved to lay the motion on the table, which was agreed to.

Mr. Wellborn, from the Committee on Banks, submitted the following report, to wit :

Mr. President :

The Committee on Banks, to whom was referred a bill to be entitled an act to incorporate the Commercial Banking Company in the city of Griffin, have had the same under consideration, and recommend that it do pass, with the following amendment to the second section of said act, to come in after the word establish in the sixth from the last line of said section, striking out all of said section after the word establish, to wit : And the individual property of each stockholder shall be bound for the debts of the company in proportion to the stock held by him or her.

C. J. WELLBORN, Chairman.

Mr. Harris, from the Committee on Finance, made the following report :

Mr. President :

The Committee on Finance, to whom was referred a joint resolution to authorize the State Treasurer to make certain advances for educating indigent maimed soldiers, have had the same under consideration, and your committee is of opinion that no legislation is necessary ; but if there is, the resolution contemplates an appropriation, and should, therefore, have originated in the House.

We, therefore, recommend that the resolution do not pass.

JOHN HARRIS, Chairman.

On motion Senator Bruton was granted leave of absence for a few days after Friday.

Leave of absence was also granted to Senator Merrill for a few days after to-morrow ; also to Senators Collier and Hicks for a few days.

Mr. Graham presented a petition from Alfred Smith, of Pierce county, which was taken up, read and referred to the Committee on Petitions.

The following bills were taken up and severally read the second time, and referred to the Judiciary Committee, to wit :

A bill to regulate employers and employees.

A bill to encourage the arrest of criminals by compensating therefor.

A bill to regulate and define court contracts, approved March 17, 1866.

A bill to incorporate a town to be called Parkersville.

A bill to more fully carry into effect the first division of the first section of an act entitled an act to define certain acts of trespass, and to make the same penal, assented to 23d February, 1866.

A bill to provide for the election of Justice of the Peace for each militia district.

A bill to amend an act entitled an act to organize a Criminal Court for each county of this State, approved October 7, 1868.

A bill to make it penal for persons not having a lawful fence to maim or kill stock.

A bill to incorporate the Georgia Mutual Aid Company in the city of LaGrange, Troup county, Georgia, with certain rights and privileges.

A bill to authorize third parties, in cases where summons of garnishment have been issued and garnishee answers to indebtedness or effects, to institute a claim wherever their interests may require.

A bill to define the liability of Sheriffs and other ministerial officers of this State, and grant relief to the same.

A bill prescribing the mode of dissolving garnishment under attachments, &c.

A bill to amend section 4010 of Irwin's Revised Code in relation to distress warrants, &c.

A bill to authorize either party in a possessory warrant to give notice of intention to *certiorari*, and the same shall operate as a *supersedeas* for ten days.

A bill to change and amend the claim laws of this State.

A bill to amend an act to define the qualifications of voters at the election to be held in the city of Columbus for Mayor and Aldermen, &c.

A bill for the selection of jurors to serve in the Superior Courts of this State.

A bill to amend section 3973 of Irwin's Code.

A bill to change the manner of directing bench warrants in this State, and for other purposes.

A bill to amend an act entitled an act to give landlord-liens upon the crops of tenants, and for other purposes, approved March 16, 1866.

A bill to amend an act to provide for the setting apart a homestead of realty and personalty, and for the valuation of said property, and for the full and complete protection and security of the same to the sole use and benefit of families, as required by section first, article seventh, of the Constitution.

A bill to amend the city charter of Albany, Georgia.

A bill to authorize Ordinaries of the several counties of this State to appoint commissioners to admeasure, lay off and assign dower.

On motion the regular order was suspended, and Mr. Nunnally, from the joint special committee appointed to investigate the claim of G. H. Penfield, agent of Sharpe's Rifle Manufacturing Company, of Hartford, Connecticut, against the State of Georgia, made the following report, to wit :

The committee appointed under a joint resolution of the Senate and House of Representatives, on the 20th instant, to investigate the claim of G. H. Penfield, agent of Sharpe's Rifle Manufacturing Company, of Hartford, Connecticut, against the State of Georgia, having carefully considered the matter, beg leave to submit the following facts, and recommend the adoption of the following resolution :

The committee met on the 22d instant, and Mr. Penfield, having been notified, appeared before the committee and submitted the original contract entered into between Joseph E. Brown, Governor, and the said Penfield, agent as aforesaid, bearing date November 14, 1860, in which said Penfield agreed to deliver to said Joseph E. Brown, Governor, at Milledgeville, Georgia, within thirty days from the

date of said contract, fifteen hundred Sharpe's rifle carbines, with all necessary appendages, at thirty dollars each, and also a large quantity of ammunition.

It appears, by a copy of the invoice submitted, that the guns and appendages were delivered, according to contract, at Milledgeville, on the 30th day of November, 1860, and were accepted by the Governor of the State, for which he paid to said Penfield the sum of twenty-four thousand seven hundred and sixty-five dollars, (\$24,765,) leaving a balance due said Penfield, agent, of twenty-five thousand dollars, (\$25,000,) which amount was agreed to be paid said Penfield, by said Governor Brown, in a few days, by delivery to said Penfield, at Hartford, Connecticut, the bonds of the State of Georgia, bearing even date with the delivery of the property, which contract, on the part of the State, was never complied with as agreed upon; but that, during the year 1861, bonds of the State, issued after date of the ordinance of secession, were sent to said Penfield, which bonds did not reach said Penfield until July, 1861, and said Penfield did not accept said bonds in payment of said debt, but, as soon as practicable, made demand for bonds of Georgia in the Union, or other valid payments. The statement made by said Penfield to your committee was that he had fulfilled his part of the contract before the expiration of the time allowed by the contract; that the guns were accepted by the Governor, and that he (Penfield) had never been paid according to contract, and that the State of Georgia is still indebted to him the sum of twenty-five thousand dollars, (\$25,000,) with interest from the 30th day of November, 1860. Your committee also summoned Ex-Governor Brown before them, who stated that the written contract before them was the original contract entered into between the said parties; that he received the property according to contract, paid the amount as stated by Mr. Penfield, and that the State was indebted to Mr. Penfield, agent, the sum of twenty-five thousand dollars, (\$25,000,) balance on said contract as principal, with in-

terest from time of delivery, November 30, 1860, and that it was a just and legal claim against the State

Your committee, after an examination of the papers and the foregoing evidence, are unanimously of the opinion that the claim is just and legal, and would be so held by the courts; and it being an *ante bellum* contract, completed and fully executed, on the part of Mr. Penfield, before the secession of the State, Georgia is honorably bound to pay the claim: be it therefore

Resolved by the Senate and House of Representatives met,
That his Excellency the Governor be, and he is hereby, authorized and directed to draw his warrant upon the Treasurer of the State for the amount of principal and interest of said claim; but if, in his judgment, the amount in currency cannot be spared from the treasury at this time, then he is directed to deliver to said Penfield, agent, bonds of the State sufficient in amount to cover the amount of principal and interest of said claim from the 30th day of November, 1860.

A. D. NUNNALLY,
W. W. MERRILL,
Senate Committee.

W. P. PRICE,
MARION BETHUNE,
I. E. SHUMATE,
House Committee.

Mr. Wooten moved to make the report the special order for Friday next, immediately after the reading of the Journal.

Mr. Holcombe moved, as an amendment, that the same be made the special order for Monday next, and that the Secretary be directed to have one hundred copies of the same printed for the use of the Senate.

The question was put upon the amendment of Mr. Holcombe, which was adopted.

The regular order was further suspended, and Mr. Speer offered the following resolution, to wit

Resolved, That the messenger be instructed to furnish each Senator five dollars' worth of stationery, and that the Secretary of State keep an account with each member, and furnish said stationery upon the order of any Senator at cost prices, and at the termination of the session if any member has received exceeding five dollars' worth of stationery said member shall account for the same upon a final settlement with the State Treasurer.

Mr. Holcombe moved the following as a substitute, to wit :

That each member be allowed as much stationery as is necessary.

Mr. Wooten moved to lay the whole upon the table, which was agreed to.

The following message was received from the House of Representatives through Mr. Hardin, their Clerk :

Mr. President :

The House of Representatives has passed the following bill, to wit :

A bill to be entitled an act to incorporate the town of Trion, in the county of Chattooga.

The Senate resumed the regular order, and the following bills were taken up and read the second time and referred to the Judiciary Committee, to wit :

A bill to increase the fees of jurors, and to make their compensation adequate for the services rendered.

A bill to change the times of holding the Superior Court of Bryan county.

A bill to amend an act, approved October 9, 1868, to prevent the sale of lottery tickets in this State, &c.

A bill to amend section 3329 of the Code in relation to suits against railroad companies.

A bill to make valid the acts of certain notaries in this State.

A bill to amend section 3351 of Irwin's Code.

A bill to give physicians liens on the property of their employers.

A bill to fix the fees of Ordinaries in cases herein mentioned.

A bill to fix the fees of Clerks of the Superior Courts in certain cases.

A bill for securing and collecting costs, and for computing fees and costs when paid in currency.

A bill in relation to taking down evidence in criminal cases.

A bill to fix the fees of Sheriffs in certain cases.

A bill to repeal the 3525th section of Irwin's Revised Code of Georgia so far as the same creates liens on real and personal property in the hands of *bona fide* purchasers for a valuable consideration.

A bill to authorize agents and attorneys at law of defendants to make oath to pleas in certain cases.

A bill to give the Ordinaries of the respective counties of this State jurisdiction in cases of nuisance.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit :

Mr. President :

I am directed by the Governor to deliver to the Senate a communication, in writing, with accompanying document.

EXECUTIVE DEPARTMENT,
ATLANTA, GA., January 27, 1869.

To the General Assembly :

I have the honor to submit herewith the Annual Report of the Superintendent of the Western & Atlantic Railroad for the fiscal year ending September 30, 1868.

RUFUS B. BULLOCK, Governor.

ANNUAL REPORTS OF THE OFFICERS OF THE WESTERN & ATLANTIC RAILROAD, TO HIS EXCELLENCY RUFUS B. BULLOCK, GOVERNOR, FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1868.

SUPERINTENDENT'S REPORT.

WESTERN & ATLANTIC RAILROAD, }
ATLANTA, GA., October 1, 1868. }

To his Excellency Rufus B. Bullock, Governor, Atlanta, Ga.:

SIR: I have the honor to submit the following report of the operations of the Western & Atlantic Railroad for the fiscal year, commencing October 1, 1867, and ending September 30, 1868:

The total receipts have been—

From Freight.	\$675,414 38
From Passengers.	249,125 87
From Mails.	18,062 50
From Miscellaneous Sources.	1,004 49
	<hr/> \$943,607 24

The working expenses have been—

For Transportation.	\$191,790 16
For Motive Power.	233,290 96
For Maintenance of Way	107,370 31
For Maintenance of Cars.	95,977 01
For General Expenses.	26,811 07
	<hr/> \$655,239 51

The extraordinary expenses have been—

For Equipment.	\$ 2,027 96
For Depot Buildings.	1,869 11
For New Buildings.	3,218 74
For Real Estate.	48 50
For Bridging.	12,801 30
For Re-laying Track.	2,082 00
	<hr/> 22,047 61
	<hr/> 677,287 12
	<hr/> \$266,320 12

The Total Receipts for the Year have been	\$943,607 24
And the Expenditures.	677,287 12

Excess of Receipts over Expenditures. \$266,320 12

Ratio of working expenses to receipts, 70 per cent.

Shortly after taking charge of the road in August last, finding a larger force employed than was deemed necessary, I ordered a reduction to the lowest practicable number, and at the same time a considerable reduction was made in the rate of pay, thereby effecting a large saving in operating expenses.

By reference to the earnings since last July, it will be seen that there has been a considerable falling off in the receipts as compared with the same period last year; but the reduction in operating expenses has enabled us to continue payments into the State Treasury.

A decrease in business has been common to all roads in this section, but it is believed that a fair business will be transacted the remainder of the season, compensating in part for the very dull period we have passed through.

RIGHT-OF-WAY.

The right-of-way in several cases has never been secured, or rather has not been adjusted to the satisfaction of parties through whose lands the road runs.

Unadjusted claims of this kind are attended with many difficulties, and should not be allowed to exist longer than a just and equitable settlement could be arrived at. As a general rule, roads should not be placed under obligations of this nature. The right-of-way should in all cases be paid for. Although the benefits arising from the location of a road may to a certain extent be mutual, yet, in all cases, the land-owner is more largely benefitted in the enhancement of his lands than he can possibly be damaged thereby, yet when the right-of-way is donated, the obligations on the part of the road seem never to cease, but rather to increase with the lapse of time.

In connection with this subject, I would add that I do not find a map or profile of the road in its possession, nor can I learn that one has ever been executed. This important omission should be supplied, and an accurate and reliable work, showing the profile of the road, and the extent and boundaries of its property defined, and placed on file

in this office as a matter of information and reference for the future. The boundaries of all the principal stations should be ascertained and plainly marked, thus avoiding the frequent disputes arising from questions of this character.

The importance of this matter, in connection with Chattanooga and Atlanta, will be readily conceded, when we take into consideration their rapid growth and consequent enhancement of real estate. Orders have been issued to complete this work at an early day.

PERMANENT WAY.

Under this head are embraced earthwork, drainage, ballast and the superstructure. The earthwork is the foundation of the whole superstructure, and, as such, should be uniformly firm. As no excellence of superstructure can compensate for the evils of insufficient earthwork, too much care cannot be given to the material, form and drainage of the road-bed. Water is the great destroying element in all earthwork. To insufficient drainage may be traced a large per centage of the continual heavy expenses of the maintenance of way. No matter what be the height of an embankment, if in reach of water it will rise to the top.

Water destroys the cohesion of the material composing the road-bed, swells its bulk, thereby displacing the best constructed track. When soaked, the road-bed becomes soft, and the ties sink irregularly.

This displaces the superstructure, greatly increasing the resistance to passing trains, and adding largely to the wear and tear of both track and machinery. The deflection of the ties opposes a heavy grade against the wheels of a train, thereby increasing the consumption of fuel, and at the same time reducing the power of a locomotive far below its real capacity. This necessarily increases the number of trains for a given amount of business, increases the number of employees in both the transportation and repair departments, and largely increases the working expenses.

The damage done by water is far greater than the cost of its removal.

Wherever it is known to exist, its source should be ascertained, and every possible means be adopted for diverting it from the road-bed.

This road is deficient in drainage, and requires a large amount of work to place it in a proper condition. The road-bed in several of the wet cuts has been materially improved by deepening the ditches and throwing them back, as far as practicable, from the track. Much more work of this character remains to be done, and will be pushed forward as rapidly as possible.

Many of the embankments are too narrow to afford a sufficient bearing for the ties. This is a serious defect, and is being remedied by widening them.

DRAINAGE BY BALLAST.

Ballast may be composed of broken rock, gravel, sand or burned clay. The preference is given to broken rock and gravel, and where the latter has the proper mixture of clean sand, it is probably the best. Ballast, if properly used, distributes the bearing of the track over the surface of the road-bed, confines the track in place, secures the drainage of the surface, and gives a certain elasticity to the track intermediate between that of the rigidity of rock and the softness of common earth.

The greatest importance may be attached to its use when the cost of keeping up roads, both with and without ballast, is taken into consideration. Economy dictates thorough ballasting.

European railroads cost only about one-fourth as much per mile run for maintenance of way as those of this country. This is due mainly to their careful and thorough system of ballasting.

"The English railways show eight million miles run yearly, and for 1856 expended for maintenance of way but eight million one hundred and two thousand three hundred and seventy-six dollars, while for the mileage made yearly on American lines the same rate would give but fifteen million (15,000,000,) being twenty million (20,000,000) yearly less than what is now paid under that head."

“The best railways in the world, those which do the most business at the least cost, are the best ballasted.”

The saving effected in the life of the ties and rail, in addition to that of keeping up the track, would of itself be a sufficient reason for adopting it.

The annexed table shows the estimated cost of ballast per mile, and the total cost for the entire line :

Cost of Ballasting the Road with Broken Stone, Nut Size, Nine Feet Wide and One Foot Deep. Work to be done by the Track Hands.

DETAILS FOR ONE MILE.

Cost per Yard of 27 Cubic Feet Stone Ballast, Broken and Delivered on Right-of-way	75
Cost Distributing and putting in Track.	45
	<hr/>
	\$1 20
One cubic yard of ballast will put up one lineal yard of track nine (9) feet wide.	
Cost, one mile (1,760 yards) @ \$1 20 — \$2,112 — 130 miles. . . \$274,560 00	

I am clearly of the opinion that true economy dictates the gradual ballasting of this road, extending the work, if necessary, over a period of years, until it shall have been fully and thoroughly done.

OLD RAIL.

We have about forty-eight (48) miles of old rail, a large per centage of which is badly worn, and should be renewed at an early day. Much of this rail was originally too light, and in many cases is worn so thin as to offer but a small bearing (one and one-eighth inches) to the drivers of a locomotive. Hundreds of rails are badly laminated at their ends, making it impossible to keep the track in good surface or alignment. This is neither safe nor economical. Laminated rails are a source of constant danger, and doubtless cause the breaking of more axles and wheels than all other causes combined. This difficulty is being obviated, as far as practicable, by substituting other rails selected from those taken up for the purpose of laying new iron. It is of the greatest importance that the old rails be

replaced by new ones as early as practicable, otherwise the wear and tear of machinery and rolling stock will rapidly increase, soon reaching a point at which it will be difficult to realize more than working expenses.

A reference to the annexed table will show the estimated cost of renewal :

Detailed Statement of Cost of 48 Miles of New Track, Iron 58lbs to the Yard, using the Old Iron to Re-roll, and the Old Ties, in part.

DETAILS FOR ONE MILE.

176,000 lbs (50 lbs to the yard) @ \$35 per ton for re-rolling....	\$2,750 00
28,160 lbs to make up 58 lbs to the yard, @ \$80 per ton. . . .	1,005 70
8,294 lbs clamps and fastenings @ 7½c.	622 05
Punching holes in 91 142-1,000 tons @ 75c.....	68 35
4,900 lbs spikes @ 5½c.	269 50
1,000 cross-ties @ 30c..	300 00
Laying the track.....	500 00
Total cost per mile.	5,515 60
Number of miles.....	48
Cost for 48 miles.. ..	\$264,748 80

MASONRY.

There are 258 culverts on the line, as follows :

175 single box culverts.
13 double box culverts.
15 arch culverts.
55 open culverts.

Total. .258

Much of the masonry of these culverts, as well as that of the bridges, is in a dilapidated condition, and in some instances require extensive repairs.

The annexed estimate, it is believed, will cover the cost of the same :

Bridges—repairs to masonry	\$2,500 00
Culverts—repairs to masonry.....	3,000 00
Total.....	\$5,500 00

The Allatoona Creek culvert, from defective work, has long since fallen in, and a Howe Truss one hundred and fifty-eight feet long substituted in its place.

The material in this bridge is white pine, and has been so long in use that its early renewal has become a matter of necessity.

When re-building at this point, it will be advisable to slightly change the line, in order to obtain secure foundations for the abutments.

H. G. Cole was the original contractor for the building of the culverts over the Allatoona and Pettet's Creeks, at .57 per perch.

The Senate committee appointed in 1858 to investigate the affairs of the Western & Atlantic Railroad, report in relation to the Allatoona and Pettet's Creeks culverts as follows :

"Cole sub-let the work at four (4) dollars per perch, at a profit of about fourteen thousand dollars.

"The sub-contractors failed to do the work in a workmanlike manner, and from the very poor material used and the very inferior workmanship, the work at Allatoona has given way, and is now supported by a wooden arch. It is the opinion of Mr. Eugene LeHardy, a scientific and skillful engineer, that the whole sum paid (about forty-five thousand dollars) is a total loss."

"TESTIMONY AS TO ALLATOONA AND PETTET'S CREEK CULVERTS."

"Jesse C. Ginn, sworn, says : Goodhue, Colby and Fee were the sub-contractors under H. G. Cole. Witness was there almost every day while the work was progressing.

"When the engineer was coming around to make an examination, contractors would fill up the cracks. Sometime last summer I found out the work was giving way—channel of creek forced around center wall—filled with dirt four or five feet—dirt never dug away—barely a stone face—cut across to make a solid appearance, when engineer was coming around. (This was given while looking at diagram.)

"Engineer Green gave two or three days' notice to contractors when he should be round to examine the work. Portion fell while the work was progressing ; near half of

thirty feet of the arch fell. Portion gave way and did not fall. Fee and one hand stopped cracks when looking for engineer, and threw dry dirt on mortar to give it an old appearance.

“ This was in the summer of 1856.

“ On west side of creek great hurry to fix work for engineer's examination. The work was only one rock deep for some distance. Interior of wall filled with rock mixed with dirt, then plastered over the cracks. Engineer Green gave notice of when an examination would be held.”

Lemuel Kendrick, sworn, says: “ He assisted in the earthwork at Allatoona culvert (the embankment.)

“ He was at the culvert the first time that LeHardy (engineer) came. Their work had progressed some, and the culvert walls were up about to the spring of the arch. It was LeHardy's first examination of the work. Heard LeHardy say to the workmen on the culvert that the work was worthless and would not do, and LeHardy, as engineer of the road, gave the workmen on the culvert notice that he would not receive the work.

“ Kendrick was interested in dirt work on Allatoona embankment, and thinks that they will clear five or six cents per yard. He is partner with Cole in the embankment contract. Thinks Cole received something over \$30,000 for the Allatoona culvert, at seven (\$7) dollars per perch, and, from his knowledge of rock work, thinks Goodhue and Fee ought to make a profit on the work at four dollars per perch. Says the work done was a bad job, and not according to the contract as he understood it.”

Major Eugene LeHardy, an accomplished and scientific civil engineer, and at that time resident engineer of the road, being sworn, says:

“ That he is a civil engineer; is now in the employ of the Western & Atlantic Railroad, and has been heretofore, as engineer.

“ That H. G. Cole sub-let the contracts to Goodhue and Fee and Colby at \$4 per perch. Mr. Green was civil engineer of road at the time said work was commenced.

and LeHardy was afterwards appointed engineer of road after some work had been done on said culverts, and when he (LeHardy) went to examine said work, he would not receive the work, and objected to it (which was before the work had advanced far) because the foundations were unequal in bearing, one side being upon a rock foundation and the other side and middle tier being just built upon the sand and gravel and fillings-in of the creek. That there was an entire want of mortar or cement inside of the body of the work, and the great want of bearings of the rocks, that is, the rocks were not made plain so as to bear all along the rock, but just some portions bore, and the great variety of shape of rock used in the work, as well as the size of the rocks—that the rocks were set up edgewise, instead of laid down as found in the quarry bed; and to the arches he objected because of the great neglect to break the joints, and the great variety of thickness of the rock, and want of dressing or making plain the surface of the bearing portion of the rock, and the great many hollows and holes between the rocks not properly cemented. The backing of the arches was not sufficiently substantial, and in many places not more than fourteen or sixteen inches thick, while it was to be 22 inches thick. LeHardy objected to receiving and paying for the work during its progress, because its foundations were built in water. The coffer dams (which Cole was to build) not being sufficient to keep out the water, because no cement was used in said work in many instances, and the mud of the creek was used in its place in the walls and foundations. Too many hollows between the rock—he could put his arm into the rock wall up to his shoulder in many places. The work under water and the ground and the backing is a pile of broken undressed rock, without heading and without grouting, and will not stand.

“These objections prevented me from receiving the work as the civil engineer of the road.

“LeHardy says the work, if it had been done well, according to the plan agreed upon, would have been a good

job, and would have answered the purpose of the road, and would have been worth something like the \$7 per perch; but says the work at Pettet's Creek was so poorly done that it was not worth more than one-fourth the amount of the contract. And that the Allatoona culvert was so far short of contract that it is entirely useless and worthless. The arch, or a portion of it, actually fell in whilst they were yet at work on the culvert, and it, since finished, will not support the embankment that has to be thrown upon it, if used, and will not even support itself without any embankment or cars. The culvert at Allatoona is now, and has been for some time, supported under its arches with a wooden frame work, and that without any considerable dirt upon it; if the wooden frame is taken out, it will fall down.

There has been paid for the Petet's Creek culvert..	.....	\$12,093 44
For Allatoona culvert.....	.....	32,674 75
Total...	.....	<u>\$44,768 19</u>

A bill for the earthwork for Allatoona culvert has been recently presented at this office by H. G. Cole, amounting, with interest, to twenty-four thousand eight hundred and forty-five dollars and fifty cents (\$24,845 50.)

BRIDGES.

A reference to the annexed table will show the number of bridges over fifty feet span, their location by mile posts and streams, number of spans, plan and length of feet of each :

Bridges over Fifty Feet Span.

Mile Posts.	Name of Stream.	Spans.	Howe Truss—feet.	Stringers—feet.	Bents—feet.
7	Chattahoochee	6	600		
7	Chattahoochee approaches 75 feet each end.....				150
38	Allatoona Creek.....	1	158		
38	Allatoona Creek approaches 30 ft. each end.....				60
46	Etowah	5	600		
49½	Pettet's Creek	5		140	
57½	Crawford's.....	4		107	
68	.....	3		66	
70	Oothcaloga.....	3		96	
77	Oothcaloga	4		103	
84	Oostanaula.....	3	361		
84	Oostanaula.....	16		480	
90	Swamp Creek	4		116	
103	Mill Creek No. 2.....	3		93	
111	Chickamauga "A"	4		121	
112	Chickamauga "B"	4		121	
112	Chickamauga No. 1	1	122		
113	Chickamauga No. 2	1	138		
113	Chickamauga No. 3	1	135		
113½	Chickamauga No. 4	2	146		
119½	Chickamauga No. 5	2	250		
120	Chickamauga No. 6	2	254		
123½	Chickamauga No. 7	2	222		
124	Chickamauga No. 8	2	218		
127	Chickamauga Branch.....	3		86	
128	Chickamauga No. 9	2	190		
129	Chickamauga No. 10	3	322		
129¾	Chickamauga No. 11	2	266		
	Totals	88	3,982	1,529	210

The Howe Truss bridges are all 18 feet wide and 20 feet high above the bolster, which is one foot.

Not having been covered, they are rapidly damaging from the action of the weather. They should be covered as early as practicable.

The annexed table shows the estimated cost of the work:

Detailed Statement of the Cost of Covering the Howe Truss Bridges with Inch Weather-boarding, Battened—White-washed and Covered with Tin.

DETAILS FOR ONE HUNDRED FEET.

50 Strips 2½x4 inches, 20 feet long.	958 feet.
34 Rafters 3x4 inches, 22 feet long.	659 feet.
300 Plank 1x8 inches, 20 feet long.	4,000 feet.
300 Strips 1x3 inches, 20 feet long.	1,500 feet.
Sheeting.	2,500 feet.
Total feet of Lumber.	9,617 feet.
Which at \$15 per M is.	\$144 25
Carpenter work.	150 00
Whitewashing	50 00
22 Squares Tin Roofing @ \$11 per square.	242 00
Painting Tin Roofing.	13 75
Total for covering 100 feet.	600 00
3,982 feet of Howe Truss bridging @ \$6 per foot.	\$23,892 00

Several of the smaller bridges being unsafe, orders have been issued for their immediate renewal.

The trestle work at the approaches of the Howe Truss over the Chattahoochee River is considered unsafe for the heavy winter traffic, and will be renewed at an early day.

The Allatoona Creek bridge (Howe Truss) should also be renewed.

WOOD AND WATER STATIONS.

We have fourteen (14) stations, thirteen (13) of which furnish both wood and water, and one (1) furnishing water only. We have stationary engines at all of the stations except Crawford's and Chickamauga. The water tanks are generally in good order.

We have wood sheds at Allatoona and Calhoun only, and these entirely too small and needing renewal.

A large proportion of the wood used being oak, it makes the erection of sheds of sufficient capacity to hold a liberal supply an actual necessity.

This want should be supplied at an early day. The annexed table shows the estimated cost :

*Estimate Cost of Building Twelve Wood Sheds, 50x200 Feet,
Enclosed with Plank; Made to be Securely Closed up; Shingle
Roofed.*

DETAILS FOR ONE SHED.

30,000 feet of lumber at \$15.	.. . . .	.....	\$450 00
75,000 shingles at \$4.	.....	.....	300 00
Labor and nails.....	..	.. .....	750 00
			<hr/>
Cost of one shed. ....	..	.. .....	\$1,500 00
Number of sheds required..	..	.....	12
			<hr/>
Cost of 12 sheds. ....	.....	.....	\$18,000 00

As a matter of economy, it might be advisable to dispose of the stationary engines, and substitute portable horse powers, to be used along the line for sawing wood, and, when sawed, to be hauled and stored in the sheds for use. Contracts for sawing might be let to the lowest bidder, the contractor furnishing his own power.

A recent improvement for raising water is being adopted by many of the Northern roads, which entirely dispenses with pumps and water tanks, a locomotive supplying itself with water expeditiously and without cost, after the necessary machinery has once been erected, which is both simple and cheap. I am of the opinion that a large saving might be effected by the adoption of this improvement.

DEPOTS.

The roof of the union passenger depot at Chattanooga, which is leaking, and the building otherwise in bad order, will be repaired, and the proper proportion charged to the several roads occupying it.

The freight depot and platform at Chattanooga are in a very dilapidated condition, and will require extensive repairs.

The want of a suitable passenger depot at Atlanta is being severely felt by all the roads in interest. Steps should be taken next spring for the erection of a building adequate to the future wants of the roads now in operation, as well as those projected.

Without counseling extravagance, I would suggest that it should be one every way worthy of the great railway interests it will represent, as well as that of the great railway center of the South—the Gate City.

Most of the depots on the line of road are needing repairs. The estimated cost is \$6,000.

The reception rooms, which are in an unfit condition for the accommodation of passengers, will be repaired, plainly but neatly furnished, and will be kept lighted and warmed. This much is due the comfort of passengers, from whom the road derives a large portion of its revenue.

MACHINE AND CAR SHOPS.

The wooden buildings in present use for the machine and car shops should be replaced by fire-proof structures as early as practicable, and upon an enlarged scale, fully commensurate with the future wants of the road.

The importance of these improvements can hardly be over-estimated, and the necessity for their immediate erection is forcibly stated in the last annual report of my predecessor, Major Campbell Wallace, in which he says :

“ These buildings are of such combustible material, that we are in constant danger of serious loss and damage by fire ; and although Atlanta can, with truthfulness, boast as prompt and faithful firemen as any city on the globe ; and although our tracks are so arranged, that, in case of fire, the larger portion of our engines and cars could be removed beyond its ravages—such a casualty could not occur without a loss in machinery, shop-tools and material greatly beyond the entire cost of the new buildings. Were the State Road my individual property, I would not divert another dollar of its earnings, for any purpose whatever, until all our shops, and a suitable foundry in addition, were erected on the most approved plan of fire-proof buildings.”

In addition to the losses enumerated, would be that of a suspension of repairs in both machine and car departments until the shops were re-built.

Suitable fire-proof buildings will cost from fifty to one

hundred thousand dollars, depending upon the dimensions, and material used in their construction.

They should be built upon a scale commensurate with the future wants of the road.

STOCK.

Owners of stock have a full guarantee and ample protection in the fact that no locomotive runner will willfully endanger his own life, as well as those of his passengers, by recklessly disregarding the caution which alone makes his calling even comparatively safe.

While on this subject, I will again quote from Major Wallace's report of last year :

“ The annual tax on railroads for stock killed is onerous and enormous. We have paid out for this account no less than fourteen thousand dollars during the eighteen months I have been in office. This is radically wrong, but I suppose will never be remedied until we learn to legislate more for justice and less for votes. It is simply preposterous to assume that trains in motion can always avoid obstructions on the track. The lives of the men who control the trains are always placed in jeopardy by encountering stock on the track ; they know too well the hazard of such conflicts, and all the power and skill and energies of the ‘ man at the helm,’ are brought in requisition on such occasion. And for what ? To save his own life and the lives of his passengers ; and the stale and stereotyped charge of ‘ carelessness ’ is a slander on a class of men—‘ locomotive runners ’—to whose fidelity, coolness and untiring, sleepless vigilance every railroad passenger is indebted for the soundness of his limbs and the preservation of his life.”

The custom of permitting cattle to run at large may have been, in ancient times, a proper one, and well adapted to the then existing wants and necessities of the people ; but it may well be questioned whether at the present day the great interests involved have not entirely changed the status of the question.

At that time railways were unknown to our people, population sparse, and no important interests intervening to render it a matter of doubt.

The great railway interest—penetrating all parts of our State, wisely fostered by legislative enactments, and involving the expenditure of many millions, has since been built up, largely enhancing the value of lands contiguous thereto, building up towns and cities, and by their influence stimulating and infusing new life into all other pursuits, training and sending forth our young men in a vigorous competition for our interests, giving to the sons of Georgia a reputation second to none—demands legislation upon this ancient custom.

The railways of Georgia transport many thousands of passengers daily, whose lives are hourly endangered by the permission of this extremely dangerous and destructive custom.

Stock should not be permitted to run at large upon the line of railways.

If the lives of human beings are to be placed in the balance against those of cattle, this custom should be continued; but if human life is regarded of greater value than cattle, mules and hogs, it should be changed by legislative enactment.

FENCING ROAD.

Railroads should be fenced.

Lands through which railroads run being largely enhanced in value thereby, it would seem but just that the owners should be required by law to divide the expense of fencing with the roads.

The tax on railroads for stock killed is a growing evil, and will continue in proportion to the increase of cattle from year to year, enhanced by the rapidly growing demand for consumption, until railways will be compelled to build and maintain fences on their lines as a matter of economy, and more especially that of safety to human life.

Indeed, it is no longer a doubtful question. This road has paid, in the last year, five thousand six hundred and fifty six dollars and fifteen cents for stock killed.

This is equal to seven per cent. interest on \$80,802 14.

It is estimated that ninety miles of fencing would afford ample protection to this road.

The annexed table shows the estimated cost :

Statement showing cost of Fencing the Road ; the Labor to be done by the Track Hands.

DETAILS FOR ONE MILE.

1056 Posts @ 15c.	\$ 158 40
1056 Panels of 10 ft. (20 ft. lumber each) @ 38c.	401 28
1056 Panels Nails @ 5c.	52 80
Cost of one mile of Fencing.	612 48
No. of miles necessary to be Fenced.	90
Cost of Fencing the Road.	\$55,123 20

In addition to the actual saving in cost of stock killed may be taken into calculation the absence of the danger of trains being thrown from the track, as well as the more important item of security to human life.

Taking this view of the question, it no longer admits of an argument, and the road should be fenced without delay.

The line from Dalton to Tunnel Hill being more frequented by stock than any other part of the road, it has been determined to fence the same.

A strict account of the cost will be kept, as well as a careful record of the practical result, in order to determine the practicability and economy of fencing the whole line.

Further legislation is necessary upon the liability of railroads for stock killed by them.

There is neither justice nor propriety in holding railroad companies responsible, when, in the pursuit of their legitimate business, upon their own grounds, and under their chartered rights, they may be so unfortunate as to kill the stock of a party who either carelessly or willfully turns the same loose upon the road, thereby endangering its property and the lives of passengers.

. CLAIMS.

A reference to the annexed table will show a portion of the claims now pending against the road :

List of Sundry Claims vs. Western & Atlantic Railroad.

NAME OF CLAIMANT.	Residence	Amount,	In Suit.	Not in Suit.	NATURE OF CLAIM.	Where Suit Brought.
A. K. E. Beago.	Atlanta.	\$ 2,000 00	\$ 2,000 00		Damages on 905 bus. corn, damaged by frost March, 1867.	In Fulton Co. Sup. Ct.
Frear & Felges.	Atlanta.	900 00	900 00		" " 375 "	"
Langston, Crane & Hammond.	Atlanta.	1,500 00	1,600 00		" " 653 "	"
Smith & Richmond.		2,000 00	2,000 00		" on 1,049 lbs of tobacco, "	"
McAdams & Miller.		239 26	239 26		Damages on 826 Hubs lost December 16, 1861.	"
Rhodia Northcutt.		20,000 00	20,000 00		Damages for killing husband—A. G. Northcutt, at Station 13, C. R. R. being in charge refugee stock, W. & A. R. R.	"
J. B. Alford.		1,000 00	1,000 00		Value of 850 cross-ties taken by J. W. Glenn, military appointee, by order Major General Wilson.	"
I. H. Lovejoy & Co.	Atlanta.	400 00	400 00		For merchandise taken by J. W. Glenn, military appointee, by order of Major General Wilson.	"
T. F. Jeffries.		1,000 00	1,000 00		For cross-ties taken by J. W. Glenn, military appointee.	"
James and Mary Snodgrass.		15,000 00	15,000 00		For damages by killing of father, near Etowah, Sept. 4, 1863.	"
Thomas T. Hopwood.		5,000 00	5,000 00		For injuries received by accident near Chocomauga, July 8, 1859.	"
Turnlin & Stegall.		5,000 00	5,000 00		For supplying water at Stegall's station.	"
M. W. & Lappe.	Atlanta.	1,043 03	1,043 03		For 76 bales Hay, spoiled by damage, April 26, 1867.	"
J. J. W. Clayton & Co.	Atlanta.	1,000 00	1,000 00		For damages on 289 bushels Corn, by Chattanooga's fresher.	"
James L. Zachry.	Atlanta.	500 00	500 00		For damages on 285 bushels Corn, by Chattanooga's fresher.	"
P. E. McDaniel & C. H. Strong.	Atlanta.	3,000 00	3,000 00		Damages for Cotton lost October, 1865.	"
Nancy Martin.	Atlanta.	12,000 00	12,000 00		For killing husband—Captain Martin—in 1863.	"
W. C. Saunders.		1,000 00	1,000 00		For killing 1 horse, 3 mules, and damage to wagon at Dalton.	"
John W. Casen.		200 00	200 00		For killing 1 horse near Chattanooga river, November, 1865.	"
D. J. Mughard.		500 00	500 00		For loss, April 1, 1861.	"
Hull & Duck.	Columbus	2,000 00	2,000 00		For loss 1 box dry goods and 1 cask bacon, April 1, 1861.	"
A. M. Sloan.		6,000 00	6,000 00		For 24 bales cotton burnt at Kingston, July 13, 1865.	"
James M. Anderson.		350 00	350 00		For one mule lost—1 mule injured, March 3, 1866.	"
Nathan Rosenthal.		135 15	135 15		For P. O. money paid to road by plaintiff but not accounted for.	"
J. T. Heard & Co.		3,000 00	3,000 00		For merchandise lost, October, 9, 1865.	"
Lucy Chappell.		2,000 00	2,000 00		For 160 bbls. Flour, lost in 1865.	"
Thomas Golden.		1,000 00	1,000 00		Wintry to realty of plaintiff by improperly constructed culvert in Whitfield county.	"
Joshua P. Stephens.		99 56	99 56		For baggage lost, January 1, 1867.	"
Irene Crabb.		10,000 00	10,000 00		For personal injury by accident, July 13, 1866.	"
Joseph M. McClock.		10,000 00	10,000 00		For killing husband, March 31, 1863, at Atlanta.	"
W. H. Hudson.		8,000 00	8,000 00		For personal injury near Etowah Bridge, June 29, 1866.	"
Mary A. Baker.		10,000 00	10,000 00		For personal injury near Calhoun, October 20, 1862.	"
Mary A. Phillips.		25,000 00	25,000 00		For killing husband near Big Shanty, 1862.	"
		25,000 00	25,000 00		For killing husband at Johnson Station, July 6, 1862.	"

Lost of Sundry Claims vs. Western & Atlantic Railroad—Continued.

NAME OF CLAIMANT.	Residence	Amount.	In Suit.	Not in Suit.	NATURE OF CLAIM.	Where Suit Brought
John B. Bufington.....	\$ 10,000 00	\$ 10,000 00	.....	For personal injury by boiler bursting, October 20, '63.....	In Fulton Co. Sup. Ct
Henry W. Tripp.....	10,000 00	10,000 00	.....	For personal injury in coupling cars.....	.....
Thos. T. Gresham.....	10,000 00	10,000 00	.....	For personal injury sawing lumber in lath shop.....	.....
Amanda M. Ballar.....	10,000 00	10,000 00	.....	For killing husband, by collision near Graysville, July 6, 1867.....	.....
J. R. Matthews.....	10,000 00	10,000 00	.....	For 23 bales cotton, burned, November 11, 1865.....	.....
Theodore M. Farner.....	500 00	500 00	.....	For personal injury in 1859.....	.....
Prattie, Edwards & Co.....	250 00	250 00	.....	For scrap iron lost May 17, 1866.....	.....
George McDuffie.....	5,000 00	5,000 00	.....	For personal injury September 15, 1863.....	.....
Edward Howell.....	3,000 00	3,000 00	.....	For personal injury.....	.....
Frances Duncan.....	10,000 00	10,000 00	.....	For personal injury February 18, 1861.....	.....
Thomas W. Wright.....	100 00	100 00	.....	For merchandise lost December 1, 1866.....	.....
John W. McCallie.....	318 66	318 66	.....	For merchandise lost January 1, 1864.....	.....
Henry P. Bridges.....	10,000 00	10,000 00	.....	For personal injury September 11, 1866.....	.....
Jane Edwards.....	20,000 00	20,000 00	.....	For killing son, near Dalton, November 7, 1863.....	.....
J. C. Montgomery.....	10,000 00	10,000 00	.....	For personal injury March 16, 1867.....	.....
R. W. Blackstock.....	1,000 00	.....	1,000 00	For damages by overflow.....	.....
G. B. McCalla.....	1,600 00	.....	1,600 00	For damages by overflow.....	.....
M. Fouché.....	Atlanta,	10,000 00	.....	10,000 00	For personal injury June 22, 1867.....	.....
Wm. Blacklock.....	Atlanta,	1,000 00	1,000 00	.....	For value of slave, died while in employment of road, from want of proper attention.....	.....
Newton Tippea.....	455 00	455 00	.....	For damage for wood burned.....	.....
John F. Spruells & Co.....	1,000 00	1,000 00	.....	For goods damaged in transit.....	.....
James Hagan.....	10,000 00	10,000 00	.....	For killing of wife—Ann C. Hagan.....	.....
Thomas J. Payne.....	300 00	300 00	.....	For goods lost in transit.....	.....
P. L. Thornton.....	10,000 00	10,000 00	.....	For trespass for depot buildings and right-of-way to Dalton.....	.....
Moses Glaze.....	1,500 00	1,500 00	.....	For stock killed.....	.....
W. A. Camp.....	270 00	270 00	.....	For stock killed.....	.....
Robt. W. Reebuck.....	48 50	48 50	.....	For wood consumed by Western & Atlantic Railroad.....	.....
B. F. Conaway.....	39 00	39 00	.....	For wood consumed by Western & Atlantic Railroad.....	.....
W. S. Johnson.....	166 50	166 50	.....	For wood consumed by Western & Atlantic Railroad.....	.....
John L. Tidwell.....	112 00	112 00	.....	For wood consumed by Western & Atlantic Railroad.....	.....
Noah King.....	175 00	175 00	.....	For Stock killed.....	.....
Obear & Co.....	6,000 00	6,000 00	.....	For cotton burned.....	.....
Sundry small bills accruing during military occupation of W. & A. R. R.....	994 82	.....	994 82	.....	.....
Total.....	\$ 329,695 42	.....	\$13,594 82.	.....	.....

As will be seen, many of these claims are for personal injuries received by employees when on duty. Existing laws relative to the liability of railroads in this particular are both onerous and unjust.

Not only is this true, but there is a strong disposition on the part of juries and courts to stretch the law to its utmost limits in favor of the plaintiff. When A by contract agrees to perform certain duties for B, such, for instance, as working in a powder mill, he does not stipulate that in case the mill is blown up and himself crippled for life, or in case of his death thereby, that he shall receive damages therefor, or that his family shall hold his employer responsible. Neither does the law

A builder, in contracting for the erection of a house, does not seek to bind the owner for accidents that may occur, either from the recklessness or carelessness of himself or employees; nor does one employee presume to hold the contractor liable for accidents that may occur to himself by the carelessness or willful violation by other employees of known rules and regulations adopted by the contractor for the safety of all concerned. Neither does the law.

We have simply to make a railroad company the contractor, and the law makes that which was an unjust claim upon the mill owner or builder a just one upon the road.

This is offering an indirect premium for recklessness, and endangers not only the property of the road, but the lives of passengers.

Employees on trains enter upon their duties with a full knowledge of the risks appertaining thereto, and are reminded hourly, by the printed rules and regulations governing them, of the necessity for watchfulness, care and a strict observance of the same on their part; yet, when, by his own criminal neglect and violation of rules, common sense and prudence an employee is either injured himself or destroys the lives of others, the road is by law held responsible.

Is this justice? Who is the criminal in this case?

Common sense points out the party who committed the

offense as the criminal, and, if the law permitted it, justice would do the same. As the law now stands the innocent party is made to suffer for the guilty. Railroads should be placed on the same footing, before the law, as other parties. If any advantage is to be given it should be to the roads, as great public necessities, which could not under any circumstances be dispensed with.

Employees who, by their own criminal neglect, have been injured themselves, or thereby damaged others, demand pay for the same, and the law takes it from the treasury of the State, (or the pockets of the tax-payers,) and satisfies the demand. In view of the deep interest the tax-payers of Georgia have in this matter, it is important that the present law be amended.

Another class of claims, amounting to several hundred thousand dollars, is now pending and being pressed for payment. I quote from the able report of Major Campbell Wallace for 1867 :

“Suits are now pending against this road for nearly half a million of dollars for damages alleged to have been done before and during the war ; and no matter how unjust these claims may be, nor how plain ‘His Honor’ may charge the law, I shall be agreeably disappointed if, in the end, the tax-payers of the State do not foot the bill to the full extent of the demand. Strange that people will travel outside law, oath and testimony to do themselves an injustice.”

Many of these claims are for personal damages received by employees and other parties during the war, when the road was in the hands of the Confederate authorities, or at least subject to the orders of parties acting under their authority. Legislation is much needed in reference to this class of pretended claims ; otherwise the tax-payers of the State will foot the bill.

LOCOMOTIVES.

A considerable number of our locomotives, although of sufficient capacity for the business for which they were originally designed, are entirely too light for the present wants of the road, and should be disposed of and a heavier

class substituted. Light machinery, with a heavy business, largely increases the operating expenses by necessitating the running of a greater number of trains, thereby increasing the quantity of machinery to be kept in a working condition, and also the retention of a larger number of employees than would be required with heavier machinery. A reference to the report of the Master of Machinery, page 46, will show their number, capacity and present condition.

CARS.

A reference to the table, page 48, shows the number of cars, passenger and freight, owned by the road, and their condition. The report of the Master of Transportation sets forth the fact that the present number of stock, platform and coal cars is inadequate to supply the demands upon that department. A large portion of the material for the building of 25 stock, 20 platform, and 20 coal cars, has been purchased, and will be worked up as rapidly as our force will permit without increasing it for that special purpose.

Attention is respectfully called to the able and full report of Col. A. L. Harris, Supervisor, as setting forth the condition of the permanent way, superstructure, bridges, culverts, masonry, depots, etc., at the time he was placed in charge of that department; also the various improvements and repairs suggested by him.

TENNESSEE RIVER CONNECTION—CHATTANOOGA.

On the 21st of July, 1840, the city government of Chattanooga donated to this road the right-of-way from the freight depot to the Tennessee River, which was occupied by the road until the city fell into the hands of the United States military authorities during the late war.

During their occupancy of the city the track was moved (in part) from the right-of-way to the property of citizens, where it remained until shortly after my taking charge of the road, when demands were made for its removal.

Desiring to avoid litigation, and unwilling longer to tres-

pass upon the rights of these parties, I ordered the track removed, and re-laid upon the right-of-way so liberally donated by the city.

This necessitated the re-building of 750 feet of trestle work, which will be completed as early as possible.

COAL—REDUCTION OF FREIGHT.

Attention is respectfully invited to the annexed table, showing the increased consumption of coal resulting from a reduced rate of freight:

Comparative Statement of Western & Atlantic Railroad Freight on Coal Transported in September, 1867, and 1868.

	NO. CARS.	NO BUSHELS	REVENUE.
1867.....	49	9,800	\$1,504 87
1868.....	117	23,400	2,428 94
INCREASE.....	68	13,600	\$924 07

A careful consideration of the subject convinced me that the high rate charged by the road for the transportation of this article of necessity was largely curtailing its consumption, depriving our people of cheap fuel, and placing it beyond the power of our manufacturers to compete successfully with those of other States. To remedy these evils, and especially with a view of developing our mineral resources, and thereby stimulating and building up other interests, as well as increasing the revenue of the road, it was determined to materially reduce the rate of freight.

The result has fully demonstrated the correctness of our conclusions, and is a strong argument in favor of a still further reduction.

Cheap fuel in the centers of population cheapens labor, as well as the comforts of the laborer, stimulates manufactures, and cheapens the manufactured article by developing

a keen and active competition, thereby benefitting all classes of society.

The rate of freight has been reduced on iron ore, pig and manufactured iron, with similar results. In order to enable the farmers on the line of road to ship the perishable products of their farms, such as potatoes, apples and onions, to the advantage of themselves and the road, a reduction on former rates has been made, and a corresponding reduction obtained from connecting roads terminating at this place.

The annexed general statement shows the extraordinary expenses to be incurred :

ESTIMATE EXTRAORDINARY EXPENSES.

Cost ballasting 130 miles @ \$2,112 per mile.....	\$274,560 00
Cost 48 miles new rail, 58lb per yard, @ \$5,515 60 per mile.	264,748 80
Cost repairs masonry, bridges and culverts.....	5,500 00
Cost covering 3,982 feet Howe Truss bridging @ \$6 per foot.	23,892 00
Cost building 12 wood sheds @ \$1,500 each.....	18,000 00
Cost repairs to depots.	6,000 00
Cost building machine and car shops.....	50,000 00
Cost fencing 90 miles @ \$612 48 per mile....	55,123 20
Total.....	\$697,824 00

This estimate may be reduced by leaving out :

Ballasting.	\$274,560 00
Fencing.	55,123 20
Wood Sheds.	18,000 00
	<hr/> 347,683 20
Leaving.....	\$350,140 80

to be provided for.

The item of fencing may be safely left out, with the necessary legislation upon the subject of stock running at large upon the line of road.

The expense of ballasting may be extended over a period of years, although true economy would dictate that it be done without delay.

The building of wood sheds might be dispensed with, although their real importance is of such a character as to be regarded as one of the necessities of a well constructed road.

This great State work, as yet but partially completed, should be finished by making it strictly first-class in all its departments. To accomplish this will require a large expenditure of money, and the earlier it is commenced, and the more rapidly the work is performed, the less it will cost. In its present condition the operating expenses are necessarily large, and must continue to increase until it is properly improved.

In view of the heavy expenditures that are required for repairs, I would respectfully suggest that the net earnings of the road for the next twelve months, or for such length of time as may be necessary, be expended for this purpose.

E. HULBERT, Superintendent.

REPORT OF MASTER OF TRANSPORTATION.

WESTERN & ATLANTIC RAILROAD,
ATLANTA, October 17, 1868.

E. Hulbert, Esq., Superintendent:

SIR: In submitting this report it is necessary to remark that, during nine months of the fiscal year ending September 30, 1868, the road was operated by your predecessor, three months only—say from August 8 to September 30—were under your administration.

The gross earnings for the year were \$943,607 24. Total expenditures \$677,287 12, leaving an excess of receipts of \$266,320 12, with a ratio of working expenses to receipts of 70 per cent.

When you took charge of the road freight and passenger receipts were in a depressed condition, and so continued to the close of the fiscal year. The flood of inward freight, to supply an exhausted country, had ceased. Outward freight was very light—as is usual at that time of year. Competition had commenced between seaboard and inland routes, reducing rates of freight very much, even lower on many articles than prevailed previous to the war, and the rivalry, to secure business by low rates, is now in full vigor, yielding the roads on a large portion of heavy freight

merely a living rate for transportation, while a corresponding reduction in labor and material is not realized. The tabular exhibits herewith will give you details of the transportation, expenses, earnings from freight and passengers, and tonnage transported over the road.

You paid the amount of \$12,020 30 for fuel, and of \$8,286 03 for new rail in the month of August, on contracts made by previous administrations.

The rolling stock consists of :

- 9 first-class passenger cars.
- 6 second-class passenger cars.
- 7 baggage and mail cars.
- 1 pay car.
- 2 express cars.
- 2 wrecking cars.
- 403 box cars.
- 69 flat cars.
- 28 stock cars.
- 73 coal cars.

Making a total of—

- 24 passenger, baggage and mail cars.
- 1 pay car.
- 2 wrecking cars.
- 573 freight cars.

- 600 cars of all kinds.

A large portion of the freight cars are in very indifferent order, requiring extensive repairs in axles, "flat wheels," rotten sills and leaky roofs, which are being repaired as fast as possible. Twenty-one flat cars have been converted into coal cars to supply the wants of transportation in that article, and yet the supply is not sufficient. More coal, flat and stock cars will have to be built to transport the increased production of pig and other kinds of iron, and the increasing demand for stock in the low country.

The motive power is in usual good condition, and ample, thus far, to do a much larger business than we can get.

The trains have run with usual regularity, no accident or interruption having occurred since I took charge of this department.

E. B. WALKER, Master Transportation.

ROAD MASTER'S REPORT.

WESTERN & ATLANTIC RAILROAD,
Supervisor's Office, Atlanta, Ga., Oct. 1, 1868.

Col. E. Hulbert, Superintendent:

SIR: On the 15th of August last I received from my predecessor the books, papers and other property of this department, and immediately made a thorough examination of the road, its track, bridges, culverts, depots, water stations, &c.

I found no records in the office, or elsewhere, giving any information respecting the line of road, nor the degree of a curve, amount of a grade, location, span, or class of bridge, nor location or length of a side-track. The road has no map of its line, showing its route, property or location. These matters, and many other items of information, should be kept on file in this office, in aid of the intelligent conduct of this department.

ROAD-BED.

The condition of the earthwork, upon which rest the ties, is not as good as it should be, being too lean in many places. This has been caused by frequent "raising" of the track, until a great portion of it is perched upon a narrow ridge of earth, sometimes not as wide as the ties are long. This will be remedied by widening the top of the road-bed with bold, rounding shoulders. Especially does the high fill, above Vining's, need more earth to render it safe.

DITCHES.

The ditches in many of the cuts are insufficient for proper drainage, (being too near the ends of the ties, and not deep enough,) thus keeping the road-bed soft, and making it extremely difficult to keep up the track. This I am having remedied by throwing the ditches as far as possible from the iron, and sinking them as deep as the surface will admit.

•
CROSS-TIES.

The ties are in tolerable condition, but will soon need renewing to the extent of 25 per cent. of the entire number in the track.

IRON.

The iron on the road consists of seven (7) different patterns; the best on the road, and which we are now laying down, being $3\frac{1}{2}$ -inch T rail, 56 lbs to the yard.

There are about 400 tons of re-rolled rail at the Chattanooga Rolling Mills, which will be laid down this fall and winter.

The iron is laid in several patterns of clamps or chairs, of but little use in keeping the joints in surface or alignment.

Much of the new iron has been injured by improper track-laying—bad matching of joints; inattention to keeping joint ties up and the joints spiked down; hence, the ends of the rails have become laminated, and it is impossible to maintain with them a perfectly smooth track.

On much of the road the rails are insufficiently spiked. They should all be spiked on each side of each rail on each tie, thus in a measure preventing the dread of railroad men and the traveling public—broken rails—or, if they should break, preventing serious damage.

There are 48 miles of scrap iron serving for rails on the road, as follows:

From 11 mile post, $1\frac{1}{2}$ miles; from 13 mile post, $1\frac{1}{2}$ miles; between 16 and 24 mile posts, $2\frac{1}{2}$ miles; the 27th, 28th, 29th, 30th, 32d and 33d miles; from $38\frac{1}{2}$ mile to 61; from $61\frac{7}{8}$ to $65\frac{1}{2}$; from $66\frac{1}{8}$ to 71; from $74\frac{3}{4}$ to $76\frac{3}{4}$; from 80, 81, 82; and 107 to $107\frac{1}{2}$.

One-half of this rough iron might be made to serve through another year, but it would be at the expense of speed and safety in running trains, and of great damage to machinery and rolling stock.

BRIDGES.

The bridges are Howe Truss and spur-braced stringer, and are not in good condition. The Howe Truss bridges, 15 in number, having been built two years and upwards, and not covered, have commenced to decay, and are out of shape. I estimate that one-fourth of the service of these bridges is lost to the road by their thus remaining exposed to the weather. From 3 to 6 months is the greatest length of time a Howe Truss should be exposed, however green the timber may be of which it is built, and if of seasoned timber, it should be covered when constructed. The fact that the timber will shrink, and the bridge require frequent screwing up, should not delay covering a day, as the rods are made with screw-threads and nuts at each end, and can be tightened from beneath.

The bridges are generally cobbled up with pieces of boards, blocks, wedges and shingles. In some instances the bolsters and cords are wedged up on the masonry, the floor-beams are wedged up on the cords, the stringers wedged up on the floor-beams, the ties wedged up on the stringers, and the iron rails wedged up on the ties, instead of each fitting perfectly of itself in its place.

In the construction of the truss bridges wooden angle-blocks were used, instead of iron, for the main and counter braces, rendering it very difficult to keep the bridges in shape, the track over them in line or to a surface, because of the pressure of the ends of the braces upon the side grain of the angle-blocks, breaking the grain of the latter, thus causing the bridges to settle unequally.

All of the bridges require repairs, and especially those over the Chattahoochee and Allatoona Creek, the former by entirely new trestle approaches, and the latter by an entirely new structure.

Several of the smaller bridges, over open culverts, should be renewed without delay.

CULVERTS.

The culverts are, generally, built of stone, and, with

some exceptions, perform their office satisfactorily. Most of them were put in when the road was constructed.

There are 258, classified as follows :

15 arch culverts.
55 open culverts.
13 double box culverts.
175 single box culverts.

Over 30 of these culverts are in bad order, needing a "general overhauling."

STOCK GUARDS.

The stock guards are of a temporary nature, and of but small service, being built of timber, plank and logs, which are generally unsound.

TUNNEL.

After a thorough examination I found the tunnel to be in a broken and very dangerous condition, and, upon inquiry, it was ascertained it had been so the past year, or longer. Five places were found where the brick masonry was broken through ; in some instances large masses having fallen, and brick coming down daily. Work was commenced upon it about the first of September, and it is now completed. In every case of break it was found to be caused by huge masses of rock working through the clay from above. The brick masonry was removed sufficiently, the rock taken out by blasting, and the arch securely replaced. By a simple contrivance of iron supports the repairs were made without detention of a single train or interrupting the traffic of the road.

In this connection I quote from the able and scientific report of Eugene Le Hardy, formerly chief engineer of this road—made in 1859—with the remark, that my examination of the tunnel fully corroborates the statement of Mr. Le Hardy : -

"The most important work on our line of road, and the one which involves the greatest responsibility, is the tunnel. This work, which ought to have been built as perma-

ment as the mountain through which it is bored, is, on the contrary, built in such a manner as to put the responsible officer of this road in perpetual uneasiness and care. It is built entirely against all the first rules and principles of tunneling. It dates from the infancy of railways in this State; the shape and form given to it, the workmanship, the materials used in it, all denote the inexperience of the time for that kind of structure.

“A good opportunity was offered to me in 1857 for judging of that work. I had workmen in the tunnel from May to September, who took down and replaced 135 lineal feet of its side walls in seven different places, re-built and repaired several portions of its arch.

“I found the side walls made of two kinds of work and materials. The front half made of rubble work, in broken and mixed ranges, with little mortar, and averaging about one foot in thickness; the second half made of ballast, loose rocks, more made to push in than to sustain the solid portion of the wall, and altogether the wall averaging $2\frac{1}{2}$ feet at the top and $3\frac{1}{2}$ at bottom.

“The arch is built with hard and with soft bricks, permitting water and roots to penetrate it. The mortar used in it is generally good.

“The worst of all the defects in that structure is, that the vacant space between the roof of the excavation, and the arch which ought to have been filled in with broken rocks, brickbat and dry clay, well and hard rammed in with iron hammers, in order to prevent any disturbance in the earth of the mountain and any distortion in the form of the arch by giving it an equal pressure, has been left empty, the earth above being supported only by the wooden frames which were put up for the construction of the tunnel.

“The foundations of the side walls consist of a pile of rocks thrown in pell-mell, and filling the ditches made to receive them, when the common rule in tunneling is to begin by an inverted arch on which rest the side walls; these are made here at straight edges instead of being curved,

•

which is the shape adopted as the best to resist against side pressure.

"I have satisfactorily ascertained that the timber above the arch is in an advanced state of decay, and that the side walls are strong enough to support the arch, but nothing more.

"The defects in the arch repaired in 1857 were the result of the fall of boulders from the roof of the excavation above it. In my last examination of the tunnel, a few days ago, I perceived some new cracks in the arch, and I ascertained by boring through it that they were also produced by the fall of boulders or heavy detached rocks on it. These facts, in my judgment, are indications of a beginning of giving way of the earth above the tunnel, which has lost its support in losing the wooden frame already alluded to.

"My inquiry in this circumstance is, what will become of the tunnel, or portions of it, when a strange and unequal weight will come and bear on its arch? The answer is not doubtful for those acquainted in construction. As I did in my report already referred to, I will conclude here on this structure by recommending to make good all the bad places of the tunnel as fast as the first sign of decay is given, and not wait for the worst; and I recommend, as a matter of prudence, that the weaker places be gradually taken out, a strong masonry be substituted before advertisements are given, because, in that structure, as it is made, a catastrophe may follow hastily a sign, or may happen without a sign at all."

DEPOTS.

With two or three exceptions, the depots along the road are in bad condition, with leaky roofs, unsafe doors and windows, needing cleansing and painting without and within. No accommodations are provided for passengers, the reception rooms being without furniture and comfortless. Especially at Chattanooga is the freight house in a very bad condition from neglect in making re-

pairs. The wood work has literally rotted away, plaster fallen off, and platforms rotted and broken down. The passenger shed, a fine brick tin-roofed structure, is going to ruin for want of painting, glazing and roof repairs. It should be repaired without delay.

The other depots should also be repaired at once and made serviceable and comfortable.

WOOD AND WATER STATIONS.

There are 14 wood and water stations, with stationary engines at 12; water power at one and horse power at one, which furnishes water only. But two of them have wood sheds—Allatoona and Calhoun—the latter badly decayed, and of but little protection against rain. Sheds should be built at all the stations, each of capacity of 500 cords sawed wood.

HOUSES.

The dwelling houses owned by the road, and occupied by agents, station-keepers and watchmen, are needing repairs for their preservation and the comfort of their inmates. The houses for track hands are small and uncomfortable, being of but one room each, about 16x24, of rough boards, wherein are huddled, in some instances, families of 5 or 6 persons, doing their household work, eating and sleeping all in this one room.

A. L. HARRIS, Supervisor.

TABLE A.

Showing the Tonnage and Points of Shipment of the various Articles of Freight Transported over the Western & Atlantic Railroad, from September 30, 1867, to September 30, 1868.

ARTICLES.	SOUTHWARD.					NORTHWARD.					Total Pounds.	
	CHATTANOOGA TO		DALTON TO		Total Pounds Southward	TO CHATTANOOGA FROM		TO DALTON FROM		Total Pounds Northward		Station to Station, North and South.
	Atlanta and connect'g Roads.	Way Stations.	Atlanta and connect'g Roads.	Way Stations.		Atlanta.	Way Stations.	Atlanta.	Way Stations.			
Bacon and Lard.	24,468,414	318,222	3,841,342	70,110	28,440,324				3,130	80,744	23,708	28,547,906
Barley and Rye.	83,210		37,753	65,000	217,474						312,390	217,474
Corn.	107,176,048	14,199,066	14,715,410	869,600	142,986,299				2,128	2,800	4,928	143,303,547
Coal.	11,972,000	760,000	5,312,000		17,984,000							17,984,000
Cotton.	2,157,000		97,500		4,710,500		500	2,450	4,015,000	2,350	53,000	13,483,300
Flour.	5,068,712	110,600	3,763,584		5,404,104				41,266	3,888	64,800	14,454,984
Hay.	1,811,950		1,017,450		3,801,900					21,700	31,150	3,864,750
Live Stock.	7,136,000	224,000	1,684,000	16,000	9,296,000		32,000			32,000		9,398,000
Lime.	258,000				6,082,000		48,000		32,320	80,320	384,480	6,486,800
Lumber.	96,000				3,296,000		128,000		432,000	16,000	912,000	3,872,000
Iron.	742,000	54,000	212,000	36,000	1,638,000		14,000		8,000	1,004,010	16,000	2,658,000
Miscellaneous.	5,911,312	2,961,655	3,799,702	1,630,258	17,621,637		1,931,501		610,332	5,727,826	592,600	28,841,543
Machinery.	66,323	18,000	422,111	10,000	568,034		138,876		826	168,538	10,000	736,572
Oats.	2,184,830	14,850	2,970,168	32,210	6,399,152				19,200	20,026	7,178	9,966,355
Potatoes.	182,750		72,625	7,350	314,875		350		4,300	4,900	1,926	326,350
Salt.	17,850		2,372,860	1,177,500	3,568,800							3,601,630
Slate.					112,000							112,000
Whisky.	575,752	12,250	261,400	2,550	886,952		3,210		1,625	750	350	893,937
Wheat.	6,324,160	331,260	5,040,000	318,622	17,092,042				1,200	1,331,220	617,660	19,042,122
Total.	175,228,411	18,938,243	45,019,894	3,736,200	278,580,989	2,129,098	2,769,836	4,658,367	5,697,627	18,948,140	3,080,931	300,570,060

A. POPE, General Freight Agent.

TABLE B.

Showing the Earnings from Freights of the Western & Atlantic Railroad for the Fiscal Year ending September 30, 1868, with Amounts Received at each Station and Delivered to Connecting Railroads.

STATIONS.	1867.						1868.						TOTAL.
	October.	Nov'ber.	Dec'ber.	Janu'y.	Febr'y.	March.	April.	May.	June.	July.	August.	Sept.	
Received at Atlanta.....	12,099 78	11,018 34	14,895 61	13,290 15	26,360 70	25,673 55	12,387 33	9,013 97	6,461 05	11,191 09	12,339 13	10,147 21	165,177 91
Received at Marietta.....	2,228 29	1,826 84	1,183 38	784 34	833 72	913 83	1,024 61	709 10	1,291 05	2,276 70	2,689 50	1,426 11	17,220 17
Received at Big Shanty.....	243 03	212 36	371 53	279 31	374 00	161 20	202 69	266 53	437 38	326 38	110 20	273 40	3,238 30
Received at Allatoona.....	60 50	150 99	123 37	24 78	60 40	35 28	67 51	15 96	16 12	17 50	52 62	96 15	721 18
Received at Cartersville.....	1,172 31	690 99	435 96	620 68	844 92	739 80	660 05	497 93	513 16	148 24	619 20	714 67	7,947 91
Received at Cass.....	115 94	32 46	85 52	62 45	65 75	114 94	39 98	64 33	82 46	81 73	47 15	116 99	930 70
Received at Kingston.....	306 56	320 36	368 61	521 25	648 18	611 86	333 38	436 74	272 64	266 04	218 03	213 26	4,617 81
Received at Adairsville.....	199 89	87 19	131 62	86 24	70 36	116 98	79 26	83 86	144 49	155 03	107 69	86 05	1,238 49
Received at Hall's.....	87 19	21 21	21 21	39 40	16 60	22 01	14 39	30 21	49 29	29 05	13 78	24 78	317 91
Received at McDaniel.....	36 45	21 80	6 90	27 05	16 80	12 65	16 94	31 66	32 28	38 88	12 15	6 10	239 66
Received at Calhoun.....	226 10	201 99	206 75	147 13	102 15	131 66	112 64	104 98	294 99	174 92	156 94	53 20	1,823 45
Received at Resaca.....	150 42	103 82	49 74	31 18	46 80	42 89	37 33	52 61	18 29	21 25	29 39	63 04	646 78
Received at Dalton.....	30 67	40 82	8 38	16 80	26 51	75 47	23 26	34 59	12 40	17 15	21 01	19 62	326 63
Received at Tunnel Hill.....	284 43	343 10	321 12	309 05	227 96	406 20	349 24	231 85	326 60	310 21	125 33	299 88	3,534 97
Received at Ringgold.....	73 95	98 22	59 50	148 63	72 82	75 37	145 51	69 10	93 17	95 75	108 59	71 55	1,112 16
Received at Graysville.....	383 43	262 52	227 06	189 54	191 35	330 08	145 52	266 57	224 30	220 85	228 03	271 12	2,940 38
Received at Chickamauga.....	3 76	30 02	10 13	13 85	21 80	13 17	6 55	45 79	7 77	8 71	21 60	40 05	223 20
Received at Chattanooga.....	44 95	45 39	15 33	61 29	24 68	25 29	33 63	25 27	25 84	50 78	22 08	29 56	404 19
Delivered to N. & C. R. R.....	501 58	911 66	431 45	1,870 38	649 84	619 52	614 97	656 35	803 27	861 51	742 13	314 87	9,477 53
Delivered to Rome R. R.....	2,741 45	1,559 80	1,950 61	2,158 04	1,674 04	3,027 85	2,677 66	874 35	1,232 41	1,263 84	1,315 38	1,729 81	21,003 99
Delivered to F. Town & Ga. R. R.....	1,733 88	1,251 22	1,402 24	1,178 28	1,393 39	2,012 50	1,890 65	1,578 21	1,361 84	1,095 04	1,315 38	1,867 39	18,010 02
Delivered to Georgia R. R.....	1,744 64	3,596 24	3,314 09	3,214 93	5,773 66	2,955 20	1,699 45	1,263 95	1,118 71	804 33	949 74	1,570 53	27,305 47
Delivered to Macon & Western R. R.....	5,793 21	4,919 32	7,018 61	8,449 02	19,512 21	17,758 53	18,619 38	18,274 48	17,155 51	13,403 82	24,043 08	6,387 55	161,234 20
Delivered to A. & W. P. R. R.....	6,247 17	6,361 21	6,046 33	7,831 20	16,521 03	18,821 30	13,381 98	9,464 14	11,511 84	9,878 01	16,126 42	7,889 34	120,112 97
Delivered to Southern Express Co.....	4,517 51	3,846 72	4,039 37	5,609 87	12,586 74	12,028 84	8,790 20	5,579 61	3,705 95	4,878 68	6,945 72	5,098 76	77,687 97
Delivered to U. S. Government.....	1,331 76	1,384 00	1,412 22	901 46	876 28	1,163 50	993 74	1,010 75	6,703 97	681 34	499 86	164 42	11,325 76
Total.....	42,271 66	39,344 50	44,827 64	47,926 30	88,922 69	87,219 47	63,248 33	50,683 89	54,490 37	48,102 68	68,874 68	39,695 17	675,414 36

A. POPE, General Freight Agent.

TABLE C.—WESTERN & ATLANTIC RAILROAD.

Statement of Passenger Receipts from the 30th of September, 1867, to 30th of September, 1868, inclusive

MONTHS.	LOCAL.		THROUGH TICKETS.		COMMUTATION TICKETS.		SEASON TICKETS.		U. S. TRANSPORT.		TOTAL.
	No. of Passengers.	Conductor's Cash and Local Tickets.	No. of Passengers.	Amount.	No. of Passengers.	Amount.	No. of Passengers.	Amount.	Amount.		
October.....	4,413	\$7,440 90	2,225	\$13,702 44	300	\$ 208 20	.....	.....	.....	.....	\$21,351 54
November.....	4,353	8,066 85	2,283½	13,900 64	260	428 40	120	82 00	.....	.....	22,377 89
December.....	4,886	8,963 70	2,385	15,223 15	250	422 00	30	16 00	.....	.....	24,624 85
January.....	4,398	7,808 60	2,161½	14,132 31	235	258 00	30	16 00	.....	.....	22,214 91
February.....	3,481	6,076 59	1,876	12,032 14	210	192 05	120	71 00	.....	.....	18,371 78
March.....	3,857	6,208 27	1,797	11,368 38	280	391 60	.....	.....	.....	.....	17,968 25
April.....	3,257	5,283 96	1,552½	9,531 91	170	118 80	.....	.....	.....	.....	14,904 69
May.....	3,212	5,380 31	1,461½	8,858 56	370	342 90	30	15 00	.....	.....	14,596 77
June.....	3,622	6,900 16	1,681½	11,271 17	490	1,014 70	60	30 00	9,712 64	.....	28,928 67
July.....	5,232	8,530 97	1,674½	9,651 69	1,175	1,172 20	.....	.....	.....	.....	19,354 86
August.....	5,086	8,015 44	1,995	11,029 50	916	839 70	30	11 00	.....	.....	19,895 64
September.....	5,121	8,627 85	1,355	12,839 12	645	932 10	3	52 00	2,084 95	.....	24,536 02
	50,918	\$87,273 62	22,448	\$143,441 01	5,301	\$6,320 65	423	\$293 00	\$11,797 59	.....	249,125 87

C. H. PHELPS, General Ticket Agent.

Gross Earnings of Western & Atlantic Railroad, from September 30, 1867, to September 30, 1868.

MONTHS.	FROM FREIGHT.			FROM PASSENGERS.	FROM MAIL.	MISCELLANEOUS INCOME.	TOTAL.
October, 1867	\$42,271	66	\$21,351	54	\$1,166	67	\$64,789 87
November, 1867	39,344	50	22,377	89	1,116	67	62,839 06
December, 1867..	44,627	61	24,624	85	2,841	66	72,128 32
January, 1868.	47,926	30	22,214	91	1,437	50	71,578 71
February, 1868	88,922	69	18,371	78	1,437	50	108,731 97
March, 1868.	87,219	47	17,968	25	1,437	50	106,625 22
April, 1868.	63,248	33	14,904	69	1,437	50	79,590 52
May, 1868	50,683	89	14,596	77	1,437	50	66,718 16
June, 1868.	54,490	37	28,928	67	1,437	50	85,826 86
July, 1868.	48,109	68	19,354	86	1,437	50	68,902 04
August, 1868	68,874	68	19,895	64	1,447	50	90,207 82
September, 1868	39,695	17	24,536	02	1,437	50	65,668 69
	\$675,414	38	\$249,125	87	\$18,062	50	\$943,607 24

B. F. MOORE, General Book-Keeper.

TABLE E.

Expenses of the Western & Atlantic Railroad from October 1, 1867, to September 30, 1868.

ON ACCOUNT OF		TOTAL.
TRANSPORTATION.		
For Stationery and Printing.	\$10,393 68	
For Loss and Damage.....	3,984 54	
For Stock Killed.....	4,181 50	
For Wages of Watchmen, Laborers and Train Hands.....	70,709 04	
For Wages of Agents, Clerks and Conductors..	97,202 86	
For Mail.....	498 65	
For Incidentals.....	4,819 89	
	\$191,790 16	\$191,790 16
MOTIVE POWER.		
For Water Stations.	\$9,313 00	
For Fuel.....	66,556 50	
For Oil and Tallow for Engines...	6,015 60	
For Materials.	23,856 52	
For Machinists, Engineers and Firemen.	127,549 34	
	\$233,290 96	\$233,290 96
MAINTENANCE OF WAY.		
For Wages of Supervisors and Laborers... .	\$78,414 30	
For Tools.....	1,013 50	
For Timber and Cross-Ties.	11,513 54	
For Repairs of Bridges and Trestles.. . . .	2,147 63	
For Iron, Spikes and Chairs...	12,966 63	
For Incidentals.....	1,314 71	
	\$107,370 31	\$107,370 31
MAINTENANCE OF CARS.		
For Labor.....	\$52,997 46	
For Materials.....	38,559 61	
For Oil and Tallow...	4,156 24	
For Car Rent.....	263 70	
	\$95,977 01	\$95,977 01
GENERAL EXPENSES.		
For Salaries of Superintendent, Auditor, and Law Expenses.	\$22,858 15	
For Office Expenses.	3,952 92	
	\$26,811 07	\$26,811 07
Total.....	\$655,239 51	\$655,239 51

B. F. MOORE, General Book-Keeper.

TABLE F
Expenditures for Equipment, Buildings and Construction, from October 1, 1867, to September 30, 1868.

ON ACCOUNT OF		TOTAL.
EQUIPMENT.		
For Machinery for Engines, . .	\$1,161 50	
For Machinery for Cars. . . .	866 46	
	<hr/> \$2,027 96	\$2,027 96
DEPOT BUILDINGS.		
For Agents, Freight and Division Houses . .	\$ 706 10	
For Tanks, Wells and Wood Sheds	1,163 01	
	<hr/> \$1,869 11	\$1,869 11
CONSTRUCTION		
For Real Estate for Division Houses.	\$ 48 50	
For New Buildings	3,218 74	
For Masonry and Building.	12,801 30	
For Re-laying Track.	2,082 00	
	<hr/> \$18,150 54	\$18,150 54
Total.	<hr/> \$22,047 61	<hr/> \$22,047 61

B. F. MOORE, General Book-Keeper

TABLE G.

State of Georgia in Account with the Western & Atlantic Railroad.

Dr.

November 22, 1867.....	To paid Georgia Railroad, freight on sacks.....	75
December 5, 1867.....	To paid State Treasurer.....	10,000 00
December 31, 1867.....	To paid D. Irwin, per order.....	1,000 00
December 31, 1867.....	To paid Internal Revenue.....	24,187 50
January 20, 1868.....	To paid Captain Rockwell, State Treasurer.....	10,000 00
February 10, 1868.....	To paid Captain Rockwell, State Treasurer.....	10,000 00
February 17, 1868.....	To paid Captain Rockwell, State Treasurer.....	5,000 00
February 25, 1868.....	To paid Captain Rockwell, State Treasurer.....	15,000 00
March 4, 1868.....	To paid Captain Rockwell, State Treasurer.....	15,000 00
March 31, 1868.....	To paid Captain Rockwell, State Treasurer.....	15,000 00
April 10, 1868.....	To paid Captain Rockwell, State Treasurer.....	10,000 00
April 28, 1868.....	To paid Captain Rockwell, State Treasurer.....	15,000 00
April 30, 1868.....	To paid Captain Rockwell, State Treasurer.....	15,000 00
May 18, 1868.....	To paid freight on sacks.....	3 80
May 18, 1868.....	To paid State Treasurer.....	20,000 00
June 26, 1868.....	To paid State Treasurer.....	25,000 00
June 30, 1868.....	To paid Conductor's expenses to and from Milledgeville after convicts.....	58 15
June 30, 1868.....	To paid United States Government.....	182,939 13
July 27, 1868.....	To paid State Treasurer.....	20,000 00
August 31, 1868.....	To paid State Treasurer.....	20,000 00
September 30, 1868.....	To paid State Treasurer.....	25,000 00
		<u>\$438,180 42</u>
October 1, 1867.....	By balance, per account rendered.....	\$261,253 60
	Balance due Western & Atlantic Railroad.....	<u>\$176,935 82</u>

C R

B. F. MOORE, General Book-Keeper.

TABLE H.—TREASURER'S REPORT.

TREASURER'S OFFICE, W. & A. R. R. R.,
ATLANTA, Oct. 1, 1869.

Col. E. Hulbert, Superintendent :

SIR: Annexed you have a report of the operations of this department of the Western & Atlantic Railroad, for the fiscal year from October 1, 1867, to September 30, 1868 :

RECEIPTS.

Cash balance on hand 30th September, 1867.....	\$ 3,067 61
From connecting railroads.....	639,514 40
From freight, passengers and other sources.	918,066 58
	\$1,560,648 59

DISBURSEMENTS.

Paid to connecting Railroads.....	\$605,125 95
Paid for miscellaneous purposes.	699,458 11
Paid into the Treasury of Georgia. ..	231,000 00
Cash balance on hand, 30th September, 1868.	25,064 53
	\$1,560,648 59

Respectfully submitted,

WM. M. CLAYTON,
Treasurer Western & Atlantic Railroad.

TABLE I.

Financial Statement for the Fiscal Year ending September 30, 1868.

Cash in Treasurer's hands September 30, 1867.. . . .	\$	3,067 61
Materials on hand September 30, 1867		108,539 33
Balance due by Post Office Department September 30, 1867..		3,500 00
Balance due by agents September 30, 1867.. .. .		2,310 07
Balance due by former agents September 30, 1867.....		7,626 11
Balance due by connecting roads and others Sept. 30, 1867		190,008 24
Balance due to connecting roads September 30, 1868.....		22,213 54
Balance due to agents September 30, 1868.		18 91
Gross earnings from Sept. 30, 1867, to Sept. 30, 1868.		943,607 24
		<u>\$1,280,891 05</u>
Amount paid expenses from Sept. 30, 1867, to Sept. 30, 1868	\$655,239 51	
Amount paid extraordinary expenses from Sept. 30, 1867, to September 30, 1868.....		22,047 61
Balance due connecting roads and others Sept. 30, 1867		283,763 23
Balance due by connecting roads September 30, 1868... .		12,820 30
Balance due by agents September 30, 1868...		5,306 67
Balance due by former agents September 30, 1868.		1,726 95
Balance due by Post Office Department September 30, 1868.		4,312 52
Balance due by U. S. Government September 30, 1868.....		1,048 33
Balance due by State of Georgia September 30, 1868.		179,935 82
Bills receivable—notes on hand September 30, 1868.		6,311 33
Amount paid for material on hand September 30, 1868.....		83,314 25
Cash in Treasurer's hands September 30, 1868.		25,064 53
		<u>\$1,280,891 05</u>

B. F. MOORE, General Book-Keeper.

TABLE J—LOCOMOTIVE TABLE.

Giving the Name or Number of each Engine; when put upon the Road; by whom built; Service; Character; Present Condition; Cost of Repairs; Number of Miles Run; Cord of Wood; Gallon of Oil, Pound of Tallow and Waste; Cars Hauled; for the Year ending September 30, 1868.

NAME OR NO. OF ENGINE.	WHEN PUT UPON THE ROAD.	BY WHOM BUILT.	SERVICE.	CHAR. OF ENGINES.				PRESENT CONDITION.	No. Miles Run.	No. OF MILES RUN TO				CARS HAULED.	
				CYLIND.'S		DRIVERS.				Cord of Wood.	Gallon of Oil.	Lb of Tallow.	Lb of Waste.	Loaded.	Empty.
				DIA. I'ch	STR. I'ch	NO.	DIA. ft in								
YONAH.....	Ap'l, 1849	Rogers, Ketchum & Grosvenor..	Stationary....	12	18	4	5	Running Order	\$ 1,491 44						
CHATAHOOCHEE.....	Dec., 1851	M. W. Baldwin.....	Switching....	13 1/2	22	4	6	Good Order.....	1,783 75	2,600	43 1/2	137	38 1/4	54	
COOSAWATTEE.....	M'ch, 1852	Norris & Brothers.....	..	12	24	4	6	..	91 20	11,080	32	231	43 1/2	63 1/2	
JACK MORGAN.....	Dec., 1852	Rogers, Ketchum & Grosvenor..	..	13	24	4	6	Needing Repairs	75 65	7,795	33	166	43	69	
SOUTH CAROLINA.....	..	M. W. Baldwin.....	..	13 1/2	24	4	6	..	203 00	4,531	21 3/4	168	19 1/2	113	
INDIANA.....	..	..	..	13 1/2	24	4	6	..	..	..	..	..	..	..
NEW HAMPSHIRE.....	..	Amoskeag Manufacturing Co....	..	13	24	4	6	..	..	..	..	..	..	..
PENNSYLVANIA.....	..	Norris & Brothers.....	..	13	24	4	6	Condemned....	17 35	6,900	45 1/2	287	78 1/2	150	
LOUISIANA.....	Jan., 1853	..	..	13	24	4	6	Good Order.....	2,067 85	800	40	180	44 1/2	61 1/2	
NEW YORK.....	..	Rogers, Ketchum & Grosvenor..	..	13	24	4	6	..	2,186 78	3,350	43	139	47	53	
JOEL CRAWFORD.....	Jan., 1854	..	Passenger....	12	20	4	5	Needing Repairs	856 90	25,392	47 1/2	159	63 3/4	81 1/4	1142
GAZELE.....	Feb., 1855	..	..	13	20	4	5	Good Order.....	1,012 01	14,230	34 1/2	212	66 3/4	71	605
GOVERNOR.....	..	..	Construction	15	22	4	5	Running Order	1,226 36	17,080	37 1/2	172	69	74	274
PRESIDENT.....	Nov., 1855	..	Freight.....	15	22	4	5	Good Order.....	44 80	6,444	44 1/4	143	57 1/2	66	
VIRGINIA.....	Dec., 1855	Danforth, Cooke & Co.....	Passenger....	14	22	4	5	..	497 75	19,390	32 1/2	196	70	85 1/2	1343
GENERAL.....	Jan., 1856	Rogers, Ketchum & Grosvenor..	Freight.....	15	22	4	5	Running Order	749 85	9,100	34 1/4	149	60 3/4	70	611
JOE BROWN.....	Feb., 1856	Re-built by W. & A. R. R.....	..	15	24	4	5	Good Order.....	1,403 85	16,560	35 1/4	146	66	79	1130
SENATOR.....	..	Rogers, Ketchum & Grosvenor..	..	15	22	4	5	..	1,103 66	13,442	41	154	57	78	903
CHEFTAIN.....	Ap'l, 1856	..	..	15	22	4	5	..	874 96	15,344	32	167	68	76 3/4	972
J. W. LEWIS.....	..	Re-built by W. & A. R. R.....	..	15	24	4	5	Running Order	776 02	10,230	39	182	60	68	481
NICKAJACK.....	..	Danforth, Cooke & Co.....	..	15	22	4	5	..	3,454 33	5,780	31 1/4	141	55 1/2	62	361
ENTERPRISE.....	May, 1856	Richard Norris & Son.....	..	15	24	4	5	Good Order.....	656 45	17,904	35 3/4	149	59 1/2	71 1/2	1009
COMMERCE.....	..	..	..	15	24	4	5	..	1,591 95						764
47.....	Feb., 1857	..	..	13	24	4	6	..							

Locality	Month	Year	Engine	Company	Cost of repairs of engines	No. of miles run by engines	No. of cords of wood used by engines	Cost of repairs of engines	No. of miles run by engines	No. of cords of wood used by engines
KENTUCKY.....	Oct., 1856	1856	Danforth, Cooke & Co.	Freight.....	15	22	4	5	138	34 1/2
TEXAS.....	Nov., 1856	1856	M. W. Baldwin & Co.	Passenger.....	15	22	4	5	178	36 1/2
CHICAGO.....	Jan., 1857	1857	Rogers' Locomotive Works.	Freight.....	15	24	4	5	167	35 1/2
CALIFORNIA.....	Feb., 1857	1857	Rogers' Locomotive Works.	Freight.....	15	24	4	5	159	33 1/2
SWITZERLAND.....	March, 1857	1857	Rogers' Locomotive Works.	Freight.....	15	24	4	5	150	33 1/2
CONGO.....	Sept., 1860	1860	Western & Atlantic Railroad.	Freight.....	15	24	4	5	105	31 1/2
MISSOURI.....	Oct., 1863	1863	Danforth, Cooke & Co.	Freight.....	15	24	4	5	158	31 1/2
ATLANTA.....	Nov., 1866	1866	Richard Norris & Son.	Freight.....	15	24	4	5	163	31 1/2
GEN. U. S. GRANT.....	Dec., 1866	1866	Baldwin Locomotive Works.	Freight.....	15	24	4	5	200	37 1/2
MARIETTA.....	Jan., 1867	1867	Rogers' Locomotive Works.	Freight.....	15	24	4	5	141	37 1/2
CARTERSVILLE.....	Feb., 1867	1867	Rogers' Locomotive Works.	Freight.....	15	24	4	5	133	35 1/2
RESCA.....	March, 1867	1867	Manchester Locomotive Works.	Freight.....	15	24	4	5	154	35 1/2
DALTON.....	April, 1867	1867	William Mason.	Freight.....	15	24	4	5	178	38 1/2
CALHOUN.....	May, 1867	1867	Richard Norris & Son.	Freight.....	15	24	4	5	193	36 1/2
IVANHOE.....	June, 1867	1867	Baldwin Locomotive Works.	Freight.....	15	24	4	5	163	31 1/2
JENNIE DEAN.....	July, 1867	1867	Danforth, Cooke & Co.	Freight.....	15	24	4	5	163	31 1/2
COURIER.....	Aug., 1867	1867	Danforth, Cooke & Co.	Freight.....	15	24	4	5	163	31 1/2
HECULES.....	Sept., 1867	1867	Danforth, Cooke & Co.	Freight.....	15	24	4	5	163	31 1/2
VULCAN.....	Oct., 1867	1867	Danforth, Cooke & Co.	Freight.....	15	24	4	5	163	31 1/2
RAMON.....	Nov., 1867	1867	Danforth, Cooke & Co.	Freight.....	15	24	4	5	163	31 1/2
KENTZAW.....	Dec., 1867	1867	Danforth, Cooke & Co.	Freight.....	15	24	4	5	163	31 1/2
ALABAMA.....	Jan., 1868	1868	Danforth, Cooke & Co.	Freight.....	15	24	4	5	163	31 1/2
MARENGO.....	Feb., 1868	1868	Danforth, Cooke & Co.	Freight.....	15	24	4	5	163	31 1/2

Cost of repairs of engines..... \$55,981 92 | No. of miles run by engines..... 643 350 | No. of cords of wood used by engines..... 16,800

NOTE.—In the month of September, the small-class engines—Virginia, in use 13 years, Catonsville, in use 12 years, and Missouri, in use 12 years—were exchanged with the Selma & Meridian Railroad for the large, first-class engines—Alabama and Marengo—in use 4 years.

JOHN H. FLYNN,
Master of Machinery.

TABLE K.
Report of Cars on the Western & Atlantic Railroad, September 30, 1868.

SERVICE.	DESCRIPTION.	PASSENGER CARS.				Baggage and Mail.		Express, Pay & Wreckers.		Box.		Flat.		Stock.		COAL.		TOTAL.
		FIRST CLASS		SECOND CLASS		Good	Order.	Needing Repairs.	Good	Order.	Needing Repairs.	Good	Order.	Needing Repairs.	Good	Order.	Needing Repairs.	
		Good	Order.	Needing Repairs.	Good													
Passenger.....	Raised Roof.....	3	2															5
Passenger.....	Flat Roof.....	2																4
Passenger.....	Flat Roof.....																	6
United States Postal.	Raised Roof.....			2														2
Express.....	Flat Roof.....			4														2
Baggage and Mail.....	With Post Offices.....							2										2
Baggage and Mail.....	With Mail Rooms.....							2										2
Pay.....	Flat Roof.....							1										3
Wrecking.....	Winship Trucks.....								1									1
Freight.....	215 Winship Trucks.....								2									2
Freight.....	111 Government Trucks.....																	
Freight.....	59 Central Trucks.....																	
Freight.....	17 Gramling Trucks.....																	
Freight.....	1 Georgia Railroad Truck.....									353	50							403
Stock.....	27 Winship Trucks.....																	
Stock.....	1 Georgia Railroad Truck.....													20	8			28
Flat.....	40 Winship Trucks.....																	
Flat.....	23 Government Trucks.....																	
Flat.....	4 Central Trucks.....																	
Flat.....	2 Georgia Railroad Trucks.....											49	20					69
Coal.....	58 Winship Trucks.....																	
Coal.....	9 Government Trucks.....																	
Coal.....	3 Central Trucks.....																	
Coal.....	3 Georgia Railroad Trucks.....															53	20	73
		5	4	4	2		5	2	2	3	353	50	49	20	8	53	20	600

A. HULBERT, Sup't Car Factory.

The following message was received from the House of Representatives through Mr. Hardin, their Clerk :

Mr. President :

The House of Representatives has passed the following bills, to wit :

A bill authorizing the Treasurers of White and Habersham counties to receive jury certificates for all dues to said counties.

Also, a bill to apportion certain sections of roads to be worked by the employees of the Concord Manufacturing Company, and thereby exempt them from general road duty.

Mr. Merrill, from the Committee on the Judiciary, made the following report :

Mr. President :

The Committee on the Judiciary, to whom was referred a bill to be entitled an act to authorize jurors to be drawn for the January term 1869 of the Superior Court of Chatham county, and for other Superior Courts and City Courts which may be without juries drawn according to law, have had the same under consideration, and propose the following amendment to the caption thereof, to wit : to add the words after the figures 1869, "and subsequent terms," also to amend by an additional section, to be known as section 5, to wit :

"Be it further enacted, That where the Judge of the Superior Court shall fail to meet with the Clerk and Sheriff as provided for the purpose of drawing juries, the Ordinary may take his place for this purpose, and shall draw jurors in the manner provided in section 1 of this act, before the sitting of the court, the venue to be made returnable to the approaching term of the Superior Court, and service made upon the jurors at least two days before the term : *And be it provided,* That nothing in this section shall prevent the Judge of the Superior Courts from drawing the jurors at any time before term time or during the session, if the Ordinary shall fail to make the drawing, or if

the jurors drawn by the Ordinary are for any reason unavailable for the purposes of the Court."

And with these amendments they recommend the same do pass.

W. W. MERRILL, Chairman.

On motion the regular order was suspended, and Mr. Holcombe offered the following resolution, which was taken up, read and unanimously adopted, to wit :

WHEREAS, The Senate has been informed of the presence of General Easley, of South Carolina, be it

Resolved, That he be tendered a seat on the floor of the Senate.

The regular order being resumed, the Senate took up the following bills, which were read the second time and referred to the Committee on Internal Improvements, to wit :

A bill to authorize the appointing of a Committee on Public Bridges in this State, and for other purposes.

A bill to incorporate the Atlanta Cotton Factory Company.

A bill to incorporate the Canal and Water Company.

A bill to secure the summary enforcement of laborer-liens, and for other purposes.

A bill to incorporate the Atlanta Water Company.

A bill to alter and amend an act entitled an act to incorporate the Union and Lumpkin Turnpike Company, and to grant certain privileges to the same, assented to 28th December, 1843 ; to extend the time for the operation of said charter ; to change the name of the same, and for other purposes.

The following bills were taken up and severally read the second time and referred to the Committee on Agriculture and Manufactures, to wit :

A bill to amend an act entitled an act to incorporate the Savannah Gas Light Company and the Augusta Gas Light Company, approved December 14, 1849, and an act amendatory thereof, assented to December 13, 1862.

A bill to amend an act entitled an act to protect the planters of this State in the sale of fertilizers.

A bill to create the office of State Geologist ; to provide the mode of election and define his duties.

A bill to define, and punish parties for removing or destroying, copartnership fencing.

On motion of Mr. Harris, the regular order was suspended, and the Senate took up the report of the joint committee on retrenchment.

Mr. Harris then offered the following resolution, which was taken up, read and adopted, to wit :

Resolved, That such portions of the report of the Retrenchment Committee as may require legislation to carry out the recommendations contained in said report, be referred to the appropriate committees, and that they be requested to report by bills or otherwise.

On motion the regular order was further suspended, and the Senate took up the report of the committee on the bill to authorize jurors to be drawn for the January term 1869 of the Superior Court of Chatham county, and for other Superior Courts and City Courts which may be without juries drawn according to law.

The Judiciary Committee, to whom this bill was referred, proposed to amend the caption of the same by adding after the figures "1869" the words "and subsequent terms ;" also, to amend by creating an additional section, to be known as section five, to wit :

"Be it further enacted, That where the Judge of the Superior Court shall fail to meet with the Clerk and Sheriff, as provided for the purpose of drawing jurors, the Ordinary may take his place for this purpose, and shall draw jurors in the manner provided in section first of this act before the sitting of the court, the venue to be made returnable to the approaching term of the Superior Court, and service made upon the jurors at least two days before the term : *And be it provided*, That nothing in this section shall prevent the Judge of the Superior Court from drawing the jurors at any time before the term time or during

the session, if the Ordinary shall fail to make the drawing, or if the jurors drawn by the Ordinary are for any reason unavailable for the purposes of the court."

On motion the amendments were agreed to.

The report of the committee as amended was agreed to. The bill as amended was read the third time and passed, under the following title, to wit :

"A bill to be entitled an act to authorize jurors to be drawn for the January term 1869, and subsequent terms of the Superior Court of Chatham county, and for other Superior Courts and City Courts which may be without juries drawn according to law."

On motion of Mr. Lester the Secretary was directed to transmit the bill forthwith to the House of Representatives.

The regular order was resumed and the following bills were taken up and read the second time and referred to the Committee of the Whole, to wit :

A bill to define the liabilities to perform road duties.

A bill to authorize William J. Avery, of the county of Meriwether, to peddle without license.

The following bill was taken up and read the second time and referred to the Committee on Education, to wit :

A bill to establish a fund and organize a common school system.

The following bills were taken up and severally read the second time and referred to the Committee on New Counties and County Lines, to wit :

A bill to lay off and organize a new county out of the counties of Pike, Monroe and Upson, to be called ——— county, and attach the same to the Flint Judicial Circuit and Fourth Congressional District.

A bill amendatory of an act, approved February 14, 1854, entitled an act to change the lines between the fourth and sixth districts of Troup county, and to change the lines between certain counties therein mentioned, so far as regards the lines between the counties of Talbot and Meriwether, and to define the same, and for other purposes.

The following bill was taken up and read the second time and referred to the Finance Committee, to wit :

A bill to authorize the Ordinary of Coweta county to retain a portion of the State tax, collected in said county, for the purpose of aiding in the construction of a jail.

On motion the rules were suspended and the following bill of the House was taken up and read the second time, to wit :

A bill to repeal the sixth section of the charter of the Atlanta Medical College, assented to on the 14th day of December, 1858, and to define more fully the powers of the Board of Trustees of said College, and to enlarge said board.

Mr. Speer moved that the bill be referred to a committee of three Senators, who are physicians, which was agreed to.

The Chair announced as such committee, Messrs. Smith 36th, Hicks and Moore.

The rules were suspended and the following bill of the House was taken up and read the first time, to wit :

A bill to make it a penal offense to hunt with fire-arms at night in the counties of Brooks, Floyd, Thomas and Randolph.

The following bill of the House was taken up and read the second time and referred to the Judiciary Committee, to wit :

A bill to change the time of holding the Superior Court for the county of Clay.

Mr. Fain offered the following resolution, which was taken up, read and adopted, to wit :

Resolved, That the Finance Committee be instructed to inquire and report to the Senate the number of copies of the public laws passed by the last session of the General Assembly, and ordered by a joint resolution of the Legislature, for distribution to the civil officers of the State, and the amount paid per copy, and the total amount paid for the same.

Mr. Wooten offered the following resolution, which was taken up, read and adopted, to wit :

Resolved, That the Committee on General Education be, and they are hereby, instructed to inquire as to the rates of tuition at the State University, and to report whether or

not the same can be reduced without detriment to the institution.

Mr. Candler offered the following resolution, which was, taken up, read and adopted, to wit :

Resolved, That the Secretary of the Senate be directed to furnish to the State Treasurer a certified copy of the report of the Enrolling Committee as adopted by the Senate authorizing the employment of additional clerks.

Mr. Adkins offered the following resolution, to wit :

WHEREAS, Much of the confusion and outrage existing in our beloved old State may be justly charged to the unsettled status of our colored citizens in reference to an equal participation in the government of the country, and as no part of the civil service is of more importance in securing justice to the colored citizen than an equal assignment, in proportion to numbers, to the list of jurors, from which they are now excluded ;

AND WHEREAS, This Senate is anxious for peace and justice, and willing to guarantee to our most humble citizens just and equal protection ;

Therefore be it resolved, That the Judiciary Committee, to whom is intrusted the duty to report a jury bill, have special care to so frame it as to convince this class of our citizens of our intention to be impartial, and that no preference of race shall, by any means, obtain in said bill.

On motion of Mr. Winn the resolution was laid on the table.

Mr. Hungerford offered the following resolution, to wit :

WHEREAS, In the counties of Warren, Wilkes, Richmond, Jefferson, Burke and Scriven, and other counties, persons are driven from their homes—and in many cases murdered and whipped, and their property destroyed and their lives threatened if they return to their homes—on account of their politics ;

Therefore be it resolved, That it is the duty of this Legislature to protect such persons and their property, and to suppress such outrages, that its citizens may enjoy their rights.

And be it further resolved, That the Governor be instructed to use all the available force in this State to stop said outrages upon its people, and if, in his judgment, said protection cannot be enforced by the State authority, he be instructed to call upon the United States Government for a sufficient force to execute the laws of this State.

On motion of Mr. Nunnally the resolution was laid on the table.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following resolution and report :

A resolution and report relating to the endorsement of the bonds of the Macon & Brunswick Railroad Company by the State.

E. I. HIGBEE,
Chairman Committee on Enrollment.

Mr. Richardson offered the following resolution, which was taken up, read and adopted, to wit :

Resolved, That the Secretary of the Senate be instructed to have three hundred additional copies of Comptroller General's Report printed for distribution by members of the Senate.

The hour having arrived the President announced the Senate adjourned until to-morrow morning at ten o'clock.

SENATE CHAMBER, ATLANTA, GA.,
Thursday, January 28, 1869.

The Senate met pursuant to adjournment and was called to order by the President *pro tempore*.

Prayer by the Rev. Mr. Bowers, Honorable Senator from the 31st District.

The roll was called and the Journal of the previous day read and approved.

On motion the rules were suspended, and Mr. Speer offered the following resolution, which was taken up, read and adopted, to wit :

Resolved, That a seat on the floor of the Senate be tendered to the Honorable H. V. M. Miller, during the session, and that the Messenger be directed to furnish the same.

Mr. Merrill, from the Committee on the Judiciary, made the following report :

Mr. President :

The Committee on the Judiciary, to whom was referred a bill to define the liability of Sheriffs and other ministerial officers of this State, and to grant relief to the same, have had the same under consideration, and propose to amend by striking out the first section. Also to amend the second section by striking "two" and insert "first," so that the same shall be the first section. Also, to amend by striking out the word "further" in the first line of the second section and insert after the word "enacted" "by the General Assembly of the State of Georgia." Also, to amend the third section by making same the second section, and strike out the words in the second line the words "and second," and with these amendments they recommend the same do pass.

The following bills they recommend do not pass, to wit :

- A bill to fix the fees of Ordinaries in the cases herein mentioned.

A bill to amend section 3351 of the Code.

A bill to fix the fees of Sheriffs.

A bill to fix the fees of Clerks of the Superior Courts in certain cases.

A bill to alter and amend an act entitled an act to regulate the fees of Solicitors General and other officers of Court, assented to October 8, 1868.

They recommend the passage of the following bill with an amendment, to wit :

A bill the more fully to carry into effect the first division of the first section of an act entitled an act to define certain acts of trespass and make the same penal, assented to 23d February, 1866.

The following bills they recommend do pass, to wit :

A bill to incorporate the Georgia Mutual Aid Company in the city of LaGrange, in Troup county.

A bill to change the times of holding the Superior Courts of Bryan county.

A bill to authorize agents and attorneys at law of defendants to make oath to pleas in certain cases.

Also, a bill of the House of Representatives to change the time of holding the Superior Court of the county of Clay.

They recommend that the following bill do not pass, to wit :

A bill to amend section 3973 of the Code.

They recommend the passage of the following bills, to wit :

A bill to authorize third parties, in cases where summons of garnishment have been issued and garnishee answers to indebtedness or effects, to institute a claim whenever their interests may require.

Also, a bill relative to taking down evidence in criminal trials.

W W MERRILL, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, their Clerk :

Mr. President :

The House of Representatives has concurred in the following Senate resolution, to wit :

A resolution appointing a committee of (3) three from the Senate and five from the House to take into consideration the State's endorsement on the bonds of the Macon & Brunswick Railroad Company, and for other purposes.

Mr. Smith of the 36th, chairman of the special committee, to whom was referred a bill amendatory of the charter of the Atlanta Medical College, made the following report :

Mr. President :

The special committee, to whom was referred a bill entitled an act to repeal an act entitled an act to repeal the sixth section of the charter of the Atlanta Medical College, assented to on the 14th day of December, 1858, and to define more fully the powers of the Board of Trustees of the Atlanta Medical College, and to enlarge said board, have had the same under consideration, and recommend that it do pass.

W C. SMITH, Chairman,
H. HICKS.

The following message was received from the House of Representatives through Mr. Hardin, their Clerk :

Mr. President :

The House of Representatives has passed the following bill, to wit :

A bill to define the boundary line between the counties of Clay and Quitman.

The following bills were introduced and severally read the first time, to wit :

By Mr. Burns—

A bill to define the jurisdiction of Notaries Public, *ex officio* Justices of the Peace, and to fix their fees, and to increase the fees of Constables.

By Mr. Smith of the 36th—

A bill to amend an act entitled an act to change the time of holding the Superior Courts in the Coweta Circuit.

By Mr. Bowers—

A bill to authorize the Governor to make contracts with the various railroad companies to which the State extended its aid at the last session of its Legislature by providing for the endorsement of their bonds, to employ upon said roads a certain class of convicts now confined in the Penitentiary of this State.

By Mr. Adkins—

A bill to protect the lives of citizens of this State.

By Mr. Hinton—

A bill to amend section 4304 of the Code of Georgia.

By Mr. Winn—

A bill to abolish the liens of judgments in this State.

By Mr. Smith of the 7th—

A bill authorizing county officers in this State to publish notices and advertisements in the newspaper or gazette having the largest circulation, and published within sixty miles of their respective offices, and empowering the several Ordinaries of this State to issue cost executions against all executors, administrators, trustees and their securities.

Mr. Richardson offered the following resolution, to wit :

Resolved, That the Messenger of the Senate be authorized to furnish seats and desks upon the floor of the Senate Chamber to all authorized reporters for public journals of this State.

Mr. Speer offered the following amendment, to wit :

Provided, They do not go to lobbying with members or misrepresent the action of Senators.

The question was put upon the amendment of Mr. Speer, which was lost.

The question was then put upon the resolution as offered by Mr. Richardson, which was adopted.

Mr. Bruton offered the following resolution, which was lost, to wit :

Resolved, That the Superintendent of the Western & Atlantic Railroad, and the President of the Atlantic & Gulf Railroad, be and they are hereby, required to inform the Senate, at the earliest day possible, of the number of free passes that have been issued by them that are now of force, and to whom each has been issued.

Mr. McArthur offered the following resolution, to wit :

Resolved by the General Assembly of Georgia, That a committee of three, to be composed of one member of the Senate and two members of the House of Representatives, be appointed to inquire into the terms of a contract made by the Governor with Messrs. Alexander, Grant & Com-

pany, hiring to them convicts of the Penitentiary, and to visit the place where the convicts so contracted for are being employed and learn whether they are being humanely cared for, and whether the terms of said contract are being carried out on the part of said contractors.

Mr. Harris moved to refer the resolution to the Committee on the Penitentiary

Mr. Winn moved to lay the whole upon the table, which was agreed to.

Mr. Candler offered the following resolution, which was lost, to wit :

WHEREAS, In the month of November, 1868, Louis Haselmayer, a magician, did give an entertainment in the city of Atlanta in ignorance of the existing law requiring a tax of fifty dollars to be paid on each exhibition, and has deposited said amount in the Georgia National Bank of this city, with directions that in case said tax should be remitted, one-half of said amount shall be paid to the Young Men's Library Association of Atlanta ; therefore, be it

Resolved by the General Assembly of the State of Georgia, That the aforesaid tax on the said Louis Haselmayer be remitted, and the Comptroller General be authorized to allow said amount of fifty dollars to be paid over to the Young Men's Library Association of the city of Atlanta.

Mr. Candler offered the following resolution, which was taken up, read and adopted, to wit :

Resolved by the General Assembly of the State of Georgia, That a committee, composed of two members of the Senate and three members of the House of Representatives, be appointed, charged with the duty of inquiring whether, since the adjournment of last session of this General Assembly, any original acts passed by the General Assembly have been taken from the office and care of the Secretary of State, and by whom taken, or by whose direction, and what disposition was made of the said acts ; whether any money has been drawn from the treasury except by appropriation made by law ; if so, how the same was drawn ; for whose benefit drawn, and the amounts so drawn ; whether

any money has been drawn on Executive warrants, for which there was no authority of law ; how much so drawn, and for whose benefit drawn ; whether any amounts have been drawn from the treasury to pay salaried officers of the State for services rendered in their offices more than the salaries fixed by law, and if so, the authority by which the same was drawn, and in whose favor the same were drawn ; whether any amounts have been drawn from the treasury under statements of *incidental expenses, contingent expenses, extra services, stationery* ; and if so, the authority for such expenditures, and in whose favor such drafts were made.

Resolved, That the committee appointed under the first resolution be directed to enter at once upon the duties specified, and in order to insure a full, faithful and satisfactory investigation of the same, the committee have power to send for persons and papers, and, after such investigation, report the facts to the General Assembly, with recommendation of any legislation which may be necessary to insure a faithful execution of the Constitution and the laws, and economy in the expenditures of the public money

The Chair announced as the committee under the foregoing, on the part of the Senate, Messrs. Candler and Merrill.

On motion the Secretary was directed to transmit the action of the Senate on the foregoing resolution forthwith to the House of Representatives.

The Senate took up the bill to amend an act to incorporate the town of Hartwell, in the county of Hart, approved February 26, 1856.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to incorporate the Commercial Banking Company in the city of Griffin.

The Committee on Banks, to whom this bill was referred,

reported the same back with the recommendation that it do pass with certain amendments.

On motion of Mr. Nunnally the bill was laid upon the table for the present.

The Senate took up the bill "the more fully to carry into effect the first division of the first section of an act entitled an act to define certain acts of trespass, and make the same penal, assented to 23d February, 1866."

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass with the following amendment, to be known as section 2d, to wit :

And be it further enacted, When any person or persons are presented or indicted under the provisions of this, and the act of which this is amendatory, upon the trial of the issue formed in the bill of indictment, the burden of proof shall be upon the defendant to show the right of, or authority under, and by which he or they committed the act, when the defendant was not in actual possession of the land when the trespass was alleged to have been committed.

Mr. Harris moved to amend the bill by striking out the word "chestnut" wherever it occurs and insert the word "timber" in lieu thereof, which was not agreed to.

The amendment as reported by the committee was agreed to.

The report of the committee was agreed to, and the bill as amended was read the third time and passed.

The Senate took up the bill to change the time of holding the Superior Courts in the counties of Appling, Ware, Coffee, Clinch, Echols and Wayne.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to alter and amend an act entitled an act to regulate the fees of Solicitors General and other officers of Court, assented to 8th October, 1868.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do not pass.

The report of the committee was agreed to and the bill was lost.

The Senate took up the bill to repeal section 121 of Irwin's Revised Code, and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to and the bill was lost.

The Senate took up the bill to incorporate the Georgia Mutual Aid Company, in the city of LaGrange, Troup county, Georgia, with certain rights and privileges.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to authorize third parties, in cases where summons of garnishment have been issued and garnishee answers to indebtedness or effects, to institute a claim wherever their interest may require.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass. •

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to define the liability of Sheriffs and other ministerial officers of this State and to grant relief to the same.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass with the following amendments, to wit :

Strike out the first section. Amend section second by striking the word "two" and insert the word "first" in lieu. Strike out the word "further" in first line of second section, and insert after the word "enacted" the words "by the General Assembly of Georgia." Amend section

third by making it section second, and strike out in the second line the words "and second."

On motion the amendments were agreed to. The report of the committee was agreed to, and the bill as amended was read the third time and passed.

Leave of absence was granted to Senator Wooten for a few days.

The following message was received from the House of Representatives through Mr. Hardin, their Clerk :

Mr. President :

The House of Representatives has adopted the following resolution, and I am directed to transmit the same forthwith to the Senate, to wit :

A resolution that a committee be appointed to visit sections where disorder is reported, and to report to the General Assembly what proceedings should be instituted.

The committee on the part of the House are Messrs. Price of Lumpkin, Lee of Newton.

The Senate took up the bill to amend section 3973 of Irwin's Code.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do not pass.

The report of the committee was agreed to and the bill was lost.

The following message was received from the House of Representatives through Mr. Hardin, their Clerk :

Mr. President :

The House of Representatives has passed the following bill, to wit :

A bill to provide for the election of Justices of the Peace and Constables throughout the State.

The House of Representatives has also adopted the following resolution :

A resolution that the sum of twenty-five hundred dollars be advanced to J. W. Burke, State Printer for 1868, all of

which I am directed to transmit forthwith to this branch of the General Assembly.

On motion of Mr. Smith of the 36th, the Senate took up the report of the special committee on the bill of the House entitled an act to repeal the sixth section of the charter of the Atlanta Medical College, assented to on the 14th day of December, 1868, and to define more fully the powers of the Board of Trustees of said College, and to enlarge said board.

The special committee, to whom the bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The following message was received from the House of Representatives through Mr. Hardin, their Clerk :

Mr. President :

The House of Representatives has concurred in the following joint resolution adopted by the Senate, to wit :

A resolution appointing a committee of two on the part of the Senate, to join a committee of three on the part of the House, to make certain investigations in relation to the expenditure of the public funds since the last adjournment of the Legislature.

And the following committee has been appointed on the part of the House, to wit : Bethune of Talbot, Sparks of Bibb, Tumlin of Randolph.

The Senate took up the message of the House on the resolution "that the sum of twenty-five hundred dollars be advanced to J. W. Burke, State Printer for 1868."

On motion of Mr. Harris the resolution was referred to the Committee on Printing.

The Senate took up the joint resolution to authorize the State Treasurer to make certain advances for educating indigent maimed soldiers.

The Finance Committee, to whom this resolution was referred, reported adversely to its adoption.

After debate Mr. McArthur called for the previous question, which being sustained, the main question was ordered upon the report of the committee, which was agreed to, and the resolution was lost.

The hour having arrived, the President *pro tempore* announced the Senate adjourned until to-morrow morning at ten o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Friday, January 29, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Adams, Honorable Senator from the 20th District.

The roll was called and the Journal of the previous day read and approved.

Mr. Speer moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the resolution, as offered by Mr. McArthur, providing for the appointment of a joint committee to inquire into the terms of a contract made by the Governor with Messrs. Alexander, Grant & Co., hiring the convicts of the Penitentiary, &c.

The motion to reconsider prevailed.

Mr. Speer then moved to add after the words "Messrs. Alexander, Grant & Co.," the words "or other parties," which was agreed to.

On motion the resolution as amended was referred to the Committee on the Penitentiary.

Leave of absence was granted to Senators William Griffin and Jones for a few days.

Mr. Smith of the 36th, presented a petition for a new county to be formed out of parts of Troup and Harris counties, to be called Winston county, which was taken up, read and referred to the Committee on Petitions.

The Senate took up the message of the House and concurred in the resolution providing "That a committee be

appointed to visit sections where disorder is reported and report to the General Assembly what proceedings should be instituted."

The Chair announced Senator Hungerford as the committee on the part of the Senate.

Mr. Holcombe, chairman of the Committee on Agriculture and Manufactures, made the following report :

Mr. President :

The Committee on Agriculture and Manufactures have had under consideration the following bills and beg leave to make the following report :

A bill entitled an act to define and punish parties for removing or destroying copartnership fencing, which the committee recommend do not pass.

A bill to be entitled an act to create the office of State Geologist; to provide the mode of election, define his duties, &c., which the committee recommend do pass with the following amendments in the first section and fourth line, after the words "shall be," strike out "a" and insert "one or more," and in the second section and sixth line, strike out the word "his."

A bill to establish the office of State Geologist, which the committee recommend do not pass, as they have recommended the passage of a similar bill.

A. W. HOLCOMBE, Chairman.

The Senate took up the bill to change the times of holding the Superior Courts of Bryan county.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to authorize agents and attorneys at law of defendants to make oath to pleas in certain cases.

The Judiciary Committee, to whom this bill was referred,

reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill to authorize William J. Avery, of the county of Meriwether, to peddle without license.

On motion the bill was laid on the table for the present.

The Senate took up the report of the Committee of the Whole on the bill to define liabilities to perform road duties.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to amend section 3351 of Irwin's Code.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to and the bill was lost.

The Senate took up the bill to fix the fees of Clerks of Superior Courts in certain cases.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do not pass.

The report of the committee was agreed to and the bill was lost.

The Senate took up the bill to fix the fees of Ordinaries in cases herein mentioned.

The Judiciary Committee, to whom this bill was referred, reported adversely to the passage of the same.

The report of the committee was agreed to and the bill was lost.

The Senate took up the bill to fix the fees of Sheriffs in certain cases.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do not pass.

The report of the committee was agreed to and the bill was lost.

The Senate took up the bill in relation to taking down evidence in criminal trials.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to establish the office of State Geologist.

The Committee on Agriculture and Manufactures, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to and the bill was lost.

The Senate took up the bill to protect the planters of this State in the sale of fertilizers.

The Committee on Agriculture and Manufactures, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The following message was received from his Excellency the Governor, through Mr. de Graffenried, his Secretary, to wit:

Mr. President:

I am directed by the Governor to deliver to the Senate a communication in writing, with accompanying document.

EXECUTIVE DEPARTMENT,

ATLANTA, GA., January 29, 1869.

To the General Assembly:

I have the honor to submit herewith the report of the Trustees, Superintendent, Resident Physician and Treasurer of the Lunatic Asylum, for the years 1867-68.

RUFUS B. BULLOCK, Governor.

REPORT OF THE TRUSTEES, SUPERINTENDENT, RESIDENT
PHYSICIAN AND TREASURER OF THE LUNATIC ASYLUM OF
THE STATE OF GEORGIA, FOR THE YEAR 1867-8.

REPORT OF THE TRUSTEES.

STATE LUNATIC ASYLUM,
NEAR MILLEDGEVILLE, GA., Oct. 5, 1868.

To his Excellency Rufus B. Bullock, Governor of Georgia :

SIR: We herewith respectfully submit the Annual Report of the Superintendent and Resident Physician of the Lunatic Asylum. We cordially approve of the recommendations made therein, and trust your Excellency will urge their adoption by the Legislature. In closing our report we feel constrained to state our firm conviction that, under the direction of its efficient Superintendent, the institution has been as well managed as it could possibly have been under existing circumstances, and with the limited means at his disposal.

Respectfully, your obedient servants,

SAMUEL G. WHITE,
M. GRIEVE, Sr.,
S. N. BOUGHTON,
Trustees State Lunatic Asylum.

REPORT OF SUPERINTENDENT AND RESIDENT PHYSICIAN.

STATE LUNATIC ASYLUM,
NEAR MILLEDGEVILLE, GA., Oct. 2, 1868.

*To Dr. Samuel G. White, S. N. Boughton, Esq., Col. Miller
Grieve, Sr., Trustees State Lunatic Asylum :*

GENTLEMEN: In compliance with the provisions of the law, I herewith submit the annual report of this institution for the fiscal year terminating October 1, 1868.

And in presenting such report I cannot refrain from expressing my feelings of deep gratitude and thankfulness, that through the superintending care of a kind Providence, we have been brought to the close of another annual period of our peculiarly delicate, difficult and responsible labors,

not only without having experienced any serious calamity, (such as we are pained to see have befallen other institutions of the same character,) but having realized a full measure of success, with the means and facilities at our command, in our efforts for ameliorating the unhappy condition of our charge. Insanity is the most fearful of all ills which afflict our race. Reason is the great attribute of our nature. Hence it will readily appear why the distant approaches of insanity should be perceived with horror, as they often are, by its unfortunate victim.

The age in which we live, is peculiarly marked as one of wonderful progression, and the amazing improvements in science and the mechanic arts, have almost entirely changed the condition of the world. Amidst the general advancement medical science has had its full proportion of great achievements, one of the most remarkable of which is the beneficent and most salutary reform in the treatment of lunacy. Until a comparatively recent period insanity was regarded an incurable disease. Indeed the opinion was entertained that it was a special judgment of Heaven, which no human art could reverse, and when the judicial tribunals pronounced a person insane he was consigned to the abode of the convict, where, enduring stripes, chains, and every species of indignity and privation, he was doomed to a life of abject, helpless, hopeless, wretchedness. But in the year 1792, through the efforts of a distinguished physician and philanthropist in France, and the Friends, at York in England, a great reform was set on foot, which has been steadily progressing in all civilized countries throughout the world, and in all christian lands some suitable provision is now made for the care and treatment of that peculiarly unfortunate and dependent class of human sufferers. And in no country on the globe have those measures reached a higher state of perfection, or been crowned with more distinguished success, than in our own. It would be peculiarly grateful to me to be able to say that Georgia was no way behind her sisters in this noble work, but such unhappily is not the fact. While

much has been done for the amelioration of the condition of the unfortunate lunatic, idiot and epileptic, and much good has been accomplished in the substantial and permanent restoration of very many of the victims of insanity, yet in many of the requisites for the accomplishment of the greatest possible amount of good, in the promotion of the comfort and restoration of the insane, our institution by no means equals in completeness and perfection, those of several of the States ; and I would make at this time a most earnest appeal in its behalf to the good sense, humanity and State pride of our legislators, and beg that they will make the necessary provision for placing their institution, in every particular, upon a footing of eminent capability of usefulness that will compare favorably with any in the Union. We trust that as the time has now forever passed when the confinement of the insane was alone to secure society from the ravages of the madman, that the period when pecuniary economy only is to be the object considered is nigh coming to an end also. We are very far from wishing to oppose proper economical views in expenditures for benevolent purposes; this we think has been abundantly demonstrated. We do object, however, most seriously, that such considerations should prevent the best arrangement for accomplishing the ends of humane effort. We are unwilling to dominate that spirit which inquires alone what is the *cheapest* system of maintaining the unfortunate, true benevolence, or christian charity, but approve that sentiment which asks in what way, consistent with pecuniary ability, can most suffering be alleviated, most affliction be averted, and most good achieved. This alone is worthy of the name of benevolence, and should characterize the beneficent exertions of every christian people. It is irrational, however, to attempt to erect a pecuniary standard by which to estimate the good to be effected by charitable effort.

The value of physical or mental health has no adequate representative in gold or silver. Can any computation be made in dollars or cents of the worth of a single mind?

Can money repay the loss of reason? Bereft of his reason, man has lost *everything*. With yet every capacity for physical and mental suffering, he wants every means of comfort and consolation, so long as the rational powers remain. Man has some enjoyment in every condition. The saddest afflictions may befall us, the sorest maladies may pain and torment, yet, by the hopes and prospects presented to the eye of reason, man may rejoice, even in the midst of sorrow. Dethrone his reason, despoil him of his intellect, and want and wretchedness seize upon him. He becomes at once the beneficiary of humanity, or the suffering outcast, to be inured to hardship and torture, or to die the neglected victim of misfortune. Independent of economical considerations, we owe to our fellow-beings in this sad condition a debt which is just, founded in the laws of nature, and of unavoidable obligation. This is a subject, too, in which all have a common interest, for while it is true that those in the depths of poverty, and under the influence of its concomitant trials, sufferings and privations, and those in the indulgence of excesses of any kind, are more peculiarly liable to the visitations of this awful malady, it is equally certain that there is no immunity for any one. The best, the most gifted or the most wealthy may at any time, under the influence of a variety of moral and physical causes, become its victim; many painful illustrations of this truth have been witnessed here. There is no subject connected with insanity more interesting than the *causes* of it.

Insanity often comes on slowly and imperceptibly, the workings of disease being hidden from our view, and the real cause in many cases actually lies behind the apparent one. In this way, intemperance, religious excitement, the solitary vice, and many others, are the supposed causes, when in fact they are only the effect of the first impulses of disease; yet that they are all fruitful causes of insanity is undeniably true. It is doubtless true, also, very often, that one cause does not come alone in the production of insanity. Ill health, the derangement of a man's affairs,

misfortunes of one kind or another, afflictions, disappointments, often come in clusters, and their combined influence disturbs that condition of the brain and nervous system upon which the integrity of the mind depends. The tendency to insanity arising from hereditary pre-disposition is a study deserving the most serious attention. The fact is unquestionable. It does not of itself excite the disease, but when it strongly exists, a comparatively trivial cause will develop it. Many of the exciting causes would of themselves be inoperative if there was not an inherited constitutional tendency to insanity. Sometimes, however, the children of insane parents are exempt from the disease, while it appears in the grandchildren. Contrary to the general opinion, this inherited form of insanity is as curable as any other, though the subjects of it are very liable to relapse from various and slight causes. Individuals thus pre-disposed have been known to have repeated attacks. The early education of children, in whom such pre-disposition exists, requires much attention. Great pains should be taken to form a character not subject to strong emotions, to passion and caprice. Among the most frequent causes of insanity in those not pre-disposed to it is the over-indulgence of the appetites and passions in early life; and to those who inherit a tendency to this disease, such a course is peculiarly dangerous. The utmost attention should be given to securing a good bodily constitution; such children specially should be very little confined at school, and should be encouraged to take much exercise in the open air, and thus insure the equal and proper development of all the organs of the body; the brain must not be unduly tasked. Very early cultivation of the mind, and the excitement of the feelings by the strife for the praise and the honors awarded to great efforts of mind and memory, is injurious to all children, and specially pernicious to those who inherit a tendency to nervous diseases or insanity. In recent cases of insanity promptly placed in favorable circumstances for treatment, as large a proportion of recoveries will take place as from any other acute disease of serious and violent character. This is a truth of great

importance, and fully confirmed by the records of every well-regulated, sufficiently-provided and properly-conducted asylum for the insane in the world. Those records will show, too, that the first three months of the first year of the disease afford two chances of a cure where the last three months of the year do one. After the lapse of one year from the inception of the disease, the chances of restoration rapidly diminish. While there is disorder of function without unsoundness of structure, and the constitution is not materially impaired, recovery may be confidently expected. But where mental derangement has continued for a series of years, or has resulted from the wasting effect of chronic disease, or succeeds to a life of intemperance, there is always reason to fear it is connected with some obscure lesion of the structures within or about the brain or nervous system, as incomplete paralysis, gradual softening or effusion, either of which may be feared as irreparable injuries at the great fountain of life. And there can be little hope of recovery under such circumstances, for it is known that lesions of the brain will become secondary causes of further irritation, and sources of power always want ability to repair their own structures.

Mind, therefore, which depends upon the soundness of matter, cannot, under such a state of things, be expected to be restored. Although remarkable recoveries, in cases of several years standing, do occasionally occur, a very large proportion of such are irremediable and hopeless. The duty, however, of providing for the care and comfort of those who, according to all human judgment, must be regarded as incurable, is scarcely less than the obligation to supply all possible means of remedy for those whose restoration may be confidently expected. None but those who have witnessed the sufferings and wretchedness of the unhappy lunatic—confined in the jails and log huts of the country, often loaded with chains, rarely ever washed, or their clothing changed, in many cases subjected to the most brutal cruelties, and treated as ferocious wild beasts, and again seen those very individuals transferred to a pro-

perly-regulated and well-provided asylum, daily enjoying the privilege of association with others in the halls or grounds of the institution, sitting at the table with a number of others, and regularly engaged in some interesting amusement or useful employment, and observe the frequent indications of a degree of comfort and contentment exhibited in their countenances—can justly appreciate the great value of suitable provision for even the incurably insane. In all probability, one-half of the patients now in this institution would be, if at home, in the miserable condition before described, while here not half a dozen are for any length of time confined to their rooms, and none constantly so. And many who at home must necessarily be thus confined, are here daily enjoying the privilege of being at will about the premises or employed in some out-door labor beneficial to the institution and importantly so to themselves. To which number valuable additions might be made if we had sufficiently-varied means of employing them, such as are to be found in all institutions of the kind regarded complete and perfect in their arrangements.

Insanity is a disease liable to recur, though not more so than other diseases—indeed less so than some. But those who have recovered from insanity, and those in whom there exists hereditary predisposition, should most carefully avoid all of what may be termed voluntary causes of insanity. Such as intemperance, excesses of every kind, self-abuse, all intense excitement of any kind or on any subject, and laborious or too protracted study. Many of the cases of mental alienation (or at least relapses) might be avoided if the subject of them would shun the influences which would bring the calamity upon them. And just here I would remark, that there is a terrible evil abroad in our land, and prevailing to an extent that few persons have any conception of. It is the habitual and excessive use of some one or other of the preparations of opium or its salts. The pernicious influence of which practice is more to be dreaded than that resulting from the intemperate use of liquor or tobacco, both of which are potent agencies for evil in their effects upon the brain, and have contributed

their full proportion of the inmates of the asylums for the insane in this and other countries. There is a sad prospect before the posterity of all such persons. It is true, however, that in very many cases insanity results from the sympathetic influence upon the brain of disease of other organs, in the production of which the sufferers had no voluntary agency, nor was it in their power to have averted it.

To return to the more immediate interests of our own institution and its inmates. The results of our labors for the past year, although not having fulfilled my ardent desires for the elevated character of the institution and the welfare in every particular of its inmates, have, under all the circumstances, fully equalled any reasonable expectations. The number of patients restored has been small, in proportion to the whole number, but in proportion to the cases that can properly be regarded as curable at all, quite equal to the usual average anywhere.

It is yet true that a larger proportion of the patients brought to the institution have long since passed the point of curability, and were brought here only when they have become at home a burden too intolerable to be longer borne, or when the disease had assumed such a character as developed tendencies to commit acts of serious violence, or when, as has often been the case within the past three years, they were no longer able to support them at home. It would be gratifying indeed if our suggestions heretofore made on this point were allowed to influence the course of the friends of those who unhappily become the victims of this justly-dreaded malady. Increased experience has confirmed in our minds the views expressed by others, that confident hopes of recovery from mental disease must be mainly based upon the shortness of its duration before being placed in favorable circumstances for judicious treatment. The proportion of deaths is something above the ordinary average, by reason of an extraordinary number of deaths in the subjects of epileptic convulsions and old infirm people, brought here with surely no end in view but

the avoidance of the trouble of attending upon them in their last illness, and burying them. During the past year this has been particularly the case among our colored patients. It is very much to be regretted that some proper provision is not made for the care of all such cases, whether white or colored, in their several counties, as here their presence can only serve to exclude curable and dangerous patients, and swell our list of mortality.

Upon the subject of the financial affairs of the institution, we have experienced not a little difficulty and embarrassment, but no serious privation. No session of the Legislature occurring in 1867, we were furnished from the State Treasury, by order of Gen. Pope, the same amounts for the support of the institution and the compensation of its employees as had been appropriated by the Legislature of 1866. This state of things continued up to the meeting of the Legislature in July last and the inauguration of his Excellency Gov. Bullock. Since then, appropriations have been made and paid under the Governor's order from the treasury as formerly. The simple statement of the fact that there has been an increase in the number of patients, (including white and colored) amounting to about one-fourth, and an advance of more than twenty-five per cent. in the cost of every species of supplies since the amounts now furnished were first appropriated, should surely demonstrate the positive and absolute necessity for a corresponding increase in those appropriations. As has been repeatedly stated, they were never sufficient to secure that ample and generous provision for the patients, in every particular, demanded for the attainment of the most satisfactory results in their care and treatment. It was shown in an appendix to my last annual report that the average daily cost of subsistence of each individual, including all classes of patients and every employee, was less than twenty-one cents—furnishing, we think, very conclusive evidence of the inadequacy of the present appropriations, many other expenditures being necessarily embraced in the support and care of the patients. In addition to the increase imperatively required in the ordinary appropria-

tions for the institution, the necessity is most urgent and immediate for additional appropriations for repairs and improvements. A statement of those items is annexed in what we conceive the order of their necessity. It will be seen that I place additions to the institution, such as seem now beyond doubt absolutely necessary, at the foot of the list, and have not furnished any estimate of probable cost of such additions, for the reason that I do not deem it sound policy to enlarge the present establishment. It is true that the institution is now crowded to a dangerous extent, with reference to the health and safety from violence of the patients. In many instances we have been obliged to put two, and in some cases even three, patients in the same room, and those rooms from ten to twelve feet square. In warm weather, such a state of things must militate against their health, and at all times they are, under such circumstances, liable, during the night, to personal injury at the hands of each other. Of course every effort in our power is made to avoid such consequences, in the selection of the most suitable patients to be thus associated, but no one can positively foresee what strange delusion may suddenly possess the mind of an insane person, influencing them in an instant to strangle or otherwise destroy a room-mate.

And it is further true that on no day, for more than a year past, have we had less than fifteen to twenty applications for admission on file, awaiting the occurrence of vacancies. It is, therefore, very clear that something must be done; but in my opinion it would be most judicious to secure the end desired by providing an entirely distinct establishment (as in other States) for all idiots, and another for all the colored insane, and the exclusion of all chronic cases of epilepsy, except where proven to be dangerous. All others to be provided for in their counties by the county authorities, in cases where the friends are unable to support them. Such subtraction from the number who would be liable to be sent to this institution would enable it to provide without doubt for the insane exclusively for many years to come. It is not deemed sound policy by the

highest authority on the subject in this country to have more than three hundred inmates in any one institution. If, however, it is determined by the General Assembly that the policy herein indicated cannot be adopted, and that provision must here be made for accommodating every one of those unfortunates in the State, of every class or condition, it will devolve upon them to make an appropriation of not less than forty thousand dollars, to construct such additions to the buildings in use as will be required to provide for white and colored patients. Considering the items of improvements and repairs embraced in the annexed list, in the order of their necessity, we have, first, general repairs, which are demanded in every department of the institution, but most urgently in the roofs of the entire new structure, and in all our arrangements for heating, ventilation and cooking, and the renewal of floors in the old buildings. If it were possible to particularize every item of repair required, the estimate stated would be regarded by any properly-informed person as very low. The second item relates to the establishment of such arrangements as will secure an always abundant and reliable supply of water, and it is difficult to conceive of a necessity greater than this; it is demanded by the health and comfort of the inmates, and the security of the institution against destruction by fire, involving, as was lately witnessed in Ohio and Canada, not only immense loss of property, but the destruction of the lives of a number of the patients. It would not only be supreme folly, but positively criminal, to fail to provide every possible safe-guard against so terrible a calamity. We have found several good springs quite near together at the distance of two miles from the asylum, and at such an elevation (as ascertained by the engineer, Col. Frobel) as would secure the regular and steady flow from a suitable reservoir, into which the supply of all the springs was gathered, of a good sized stream of water, through iron pipe of proper size, into the upper story of the center building, from whence it can be arranged to flow into appropriate reservoirs in every hall of the institution, affording at all times a most abundant supply just where it is

wanted. While now, under the most favorable circumstances, our supply is wholly inadequate to our daily necessities, being derived entirely (except for drinking) from a single large well, and, in wet weather, from a cistern in the back yard; and every day the water of that well is entirely exhausted in two hours' use of our steam pump. And when that pump or its connections get suddenly out of order, as has frequently happened within the past two years, from the worn condition of the machinery, we have been, from a period of several hours to two or three days, in such circumstances as to be unable to get a drop of water into any portion of the building, except by drawing it with the usual well-bucket from two other wells two or three hundred yards distant, a forlorn hope, indeed, in case of a serious fire, particularly when the attention of all our limited force would be demanded to look after and take care of a house-full of alarmed and excited patients. The next item is the completion of our wall about the immediate premises of the institution, which, from a variety of considerations, is a work of very great importance. It would secure us against almost nightly depredations committed by persons lurking about the place; it would extend safely the area of exercise and recreation of the patients, and enable us to employ advantageously to the institution and themselves, in the yards, garden and shops, many who cannot now be allowed such privilege, because of the probability of their elopement, from which much trouble and expense does result, and the most serious consequences might. And it would secure a very desirable degree of privacy for the patients, which, in the present state of things, is wholly unattainable. This wall was in process of erection at the commencement of the war, and was about half finished when the means supplied for the manufacture of the necessary brick being exhausted, the work was suspended for the season; the contractor was taken to the army, and being killed, the work was never resumed. Embraced in the next, we have proposed the probable necessary appropriation for suitable improvement of the grounds in front of and around the buildings, including the

grading, leveling, laying out and planting those grounds, and the erection of a suitable iron railing in the front. The change in the roofs of the entire new structure is certainly very desirable, and must at no distant day become absolutely necessary; but at present it is believed all that is just now important can be effected within the amount proposed, together with the re-covering of the engine and gas houses, if it is judiciously managed. The limited amount appropriated by the Legislature served to effect very little in the way of repairs. Seven hundred dollars was paid to the Penitentiary for re-building the culverts on our avenue, and the remaining three hundred was expended in accomplishing all that was possible with such sum in repair of roofs. There yet exists serious trouble on that account, and a state of things that, unless speedily remedied, will surely damage the buildings to a considerable extent. The entire covering of the center building, and a considerable portion of that over the wings, must be removed and suitable tin substituted. The gravel roofing is utterly unfit for use in this climate, and it was a grave mistake on the part of the commissioners, under whose control the matter was placed by the Legislature, to allow its use. A considerable portion of the work connected with the arrangement for securing supply of water, such as laying down pipe, &c., completion of the wall and of the improvement of the grounds about the buildings, can be done by the convicts from the Penitentiary, and all such work as they are competent to execute satisfactorily we will give them, as they doubtless would be able to do it upon more reasonable terms than others.

The unfortunate reduction made by the Legislature in the amount asked for to pay outstanding liabilities of the institution existing on the 3d July last, and support the establishment to 1st January, 1869, leaves us precisely in the same condition at the close of the fiscal year with an indebtedness amounting to about \$3,500. If, however, the amount advanced to us in August last by his Excellency the Governor is not required to be deducted from the appropriation made, there will be no necessity for any

special provision to meet these liabilities; otherwise they must be provided for.

The amounts received during the past fiscal year, commencing October 2, 1867, and ending October 1, 1868, inclusive, have been as follows, to wit :

Undrawn balance, appropriation for 1866-67...	\$13,500 00
*Amount quarterage received.....	16,000 00
Received on support account 1867-68.....	43,800 00
Received from pay patients.....	3,563 75
Received from all other sources	962 40
Cash on hand at last report.	85 23
	<hr/>
	\$77,911 38

*Including last quarter of 1866-67.

Which has been disbursed as follows, to wit :

For subsistence	\$33,856 40
For bedding and clothing.....	7,414 33
For medical supplies.....	1,846 62
For tobacco.	908 58
For fuel and lights.....	3,073 05
For improvements and repairs... ..	3,036 42
*For salaries and wages	24,615 68
For stock, wagons, &c.,	359 27
For tools.....	89 45
For furniture... ..	1,264 39
For discharged and eloped patients.	363 75
For miscellaneous expenditures	837 85
	<hr/>
	\$77,665 79

Balance in hands of Steward and Treasurer in form of receipt, in part payment of account of Munday & Hendrix... \$245 59

*Including quarterage for five quarters.

1868. October 2. To balance in hands of Steward and Treasurer..... 245 59 •

The regular annual appropriations, which are absolutely necessary for the ensuing year, including colored department, may be thus stated, to wit :

Salary of Superintendent and Resident Physician ...	\$2,500 00
Salaries of Trustees and Treasurer, sub-officers, attendants, and servants' hire.	15,000 00
Support of pauper patients.....	60,000 00
	<hr/>
	\$77,500 00

Statement in relation to the number of patients, &c.

Aggregate number during the year...	489
*Pay patients.	31
*Partial pay patients.	19
Pauper patients.	439
Idiots	70
Epileptics	52
Lunatics.	367

*Of whom twelve were discharged and four died during the year.

Statement of number, &c., of Patients in the Asylum during the year ending October 1, 1868.

There remained at the commencement of the year, October 2, 1867 :

Male patients.	185
Female patients.	184
	<hr/> 369

There have been received during the year :

Male patients..	73
Female patients.....	47
	<hr/> 120

There have been in the asylum during the year :

Male patients.....	258
Female patients.....	231
	<hr/> 489

Of whom fifty-three were discharged, one eloped, and forty-six died. Of the deaths, sixteen were epileptics, eight idiots and eleven of very advanced age ; and there was but one solitary case in which any reasonable hope of mental restoration could have been entertained.

There are now in the institution, October 2, 1868 :

Male patients.	208
Female patients.....	181
	<hr/> 389

Statement of the value of labor of officers, attendants, and inmates, (independent of regular duties of the officers and attendants,) with value of garden products, &c., at reasonable valuation \$4,250 15

I would gratefully acknowledge the benevolence of the proprietors of most of the newspapers published in our State, who generously donate their publications to the institution for the use and benefit of the patients, to whom it is no ordinary kindness, and to some of them a valuable instrumentality in their improvement.

I have now, I believe, furnished all that may be necessary to a proper understanding of the present condition of the institution and its future necessities, with such explanations and suggestions as seem requisite, and will cheerfully supply any additional information or explanation that may be desired.

With heartfelt thankfulness to all who have kindly and faithfully aided me in my efforts to elevate the character of the institution and promote the welfare of its dependent inmates, and commending all to the benign providence of the Great Ruler of the universe,

I remain, very respectfully, your obedient servant,

THOMAS F GREEN,

Superintendent and Resident Physician.

Statement of contemplated repairs and improvements, set forth in order of their necessity, and explained fully in the body of the report :

1. General repairs.	\$9,000 00
2. Establishing arrangements for securing abundant and reliable supply of water	6,000 00
3. Finishing wall about the premises.	12,000 00
4. Improvement of grounds	4,000 00
	<hr/>
	\$31,000 00

Additions to the building to extend our means of accommodation.. . . .

TABLE.

Showing the Number of Male and Female, Pay, Partial Pay and Pauper Patients, Mental Condition, the Date of Reception, their Age at the Time of Reception, Date of Discharge, Date of Death and Disease.

No.	Male or Female.	Mental Condition.	Pauper or Pay Patient.	Date of Reception.	Age at the time of re- ception.	Date of Discharge.	Date of Death.	Disease.
1	Male	Lunatic	Pauper	1844—April 26.	24			
2	Female..	do..	do.	Nov. 25	48			
3	Female.	do..	do.	Nov. 28.	35	.	1868—Feb. 20.	Old Age
4	Female..	do.	do.	Dec. 13.	40			
5	Male	do..	do.	1845—Oct. 25.	40			
6	Male	do..	do.	1846—Jan. 19.	37			
7	Male	do..	do..	May 6.	37			
8	Female..	do.	Partial Pay	July 11..	37			
9	Female..	Idiot	Pauper	Dec. 20.	18			
10	Female..	Lunatic..	do.	1847—Jan 26.	20			
11	Female.	do..	do.	May 21.	35			
12	Male	do.	do.	Dec. 21.	40			
13	Male	do.	do..	1848—Jan. 6..	31			
14	Female..	do.	Pay Patient	April 13.	40			
15	Female.	do.	Pauper	Oct. 11.	24			
16	Female.	Idiot	do.	Oct. 22.	10			
17	Female..	Lunatic..	do.	Nov. 2	38			
18	Male	do.	Pay Patient	Dec. 7..	55			

19	Female...	Lunatic...	Pauper	1849—July 8..	38
20	Female...	do..	do.	Sept. 20.	48
21	Male	do..	do.	Sept. 29.	22
22	Male	do...	do.	Nov. 3.	35
23	Male	do..	do.	1850—Feb. 3.	35
24	Male	do..	do.	June 2.	40
25	Female..	do.	do..	June 17	35
26	Female..	do.	Pay Patient	June 19.	19
27	Female.	do..	Pauper	Aug. 21.	25
28	Female.	do..	do.	Sept. 7	25
29	Female.	do.	do.	Nov. 29.	48
30	Male	do..	do. ..	Dec. 21.	25
31	Female.	do..	do.	Dec. 25.	25
32	Male	Idiot	do.	1851—Feb. 9.	22
33	Male	Lunatic..	do.	April 14..	28
34	Female.	do.	do.	Nov. 12.	35
35	Male	do..	do.	1852—Sept. 15.	30
36	Male	do.	do.	1853—July 10..	27
37	Male	do.	do.	July 25	22
38	Male	Idiot	do.	Aug. 11.	12
39	Male	Lunatic	do.	Sept. 2	29
40	Male	do.	do.	1854—Feb. 17..	26
41	Male	do..	do.	Feb. 22.	45
42	Male	do..	do.	March 10.	36
43	Male	do..	do..	May 28....	35
44	Female.	do.	do.	July 24	25
45	Female..	Idiot	do.	Aug. 23.	15

TABLE—CONTINUED.

No.	Male or Female	Mental Condition.	Pauper or Pay Patient.	Date of Reception.	Age at the time of re- ception.	Date of Discharge.	Date of Death.	Di- gnose.
46	Female..	Lunatic	Pauper	1854—Sept. 16.	60			
47	Male	do.	Pay Patient	Oct. 2.	30			
48	Male	do.	Pauper	Oct. 11.	25			
49	Female.	Idiot	do.	Oct. 19.	28			
50	Female.	Lunatic..	do.	Oct. 21..	40			
51	Male	do.	do.	Dec. 14..	50			
52	Female..	do.	do.	1855—March 23	30			
53	Male	do.	do.	May 1.	26			
54	Male	Lunatic & Epileptic	do.	July 30..	18			
55	Male	Lunatic..	do.	Aug. 5.	41			
56	Male	do.	do.	Aug. 18.	44			
57	Female..	Idiot	do.	Oct. 9	32			
58	Male	Lunatic..	do.	Nov. 7	40			
59	Male	do.	do.	1856—Jan. 16..	39			
60	Male	do.	do.	Feb. 8.	24			
61	Female.	do.	do.	March 29.	45			
62	Male	do.	do.	April 5.	28			
63	Male	Idiot	do.	May 18..	31			
64	Female.	Idiot	do.	May 30.	20			
65	Female.	Lunatic..	Pay Patient	June 10.	50			
66	Male	do.	Pauper	1857—March 14	40			

67	Female.	Lunatic.	Pauper	1857—July 21.	40
68	Female..	do..	Partial Pay	July 28.	36
69	Female..	do..	Pauper	August 4..	34
70	Male.	do..	do.	Sept. 18..	55
71	Female..	Lunatic & Epileptic	do.	Oct. 24..	18
72	Male.	Lunatic..	do.	Nov. 27	35
73	Male.	do..	do.	Nov. 28.	55
74	Female..	do..	do.	Dec. 15.	25
75	Female.	Idiot.	do.	Dec. 24.	17
76	Male.	Lunatic...	do.	1858—Jan. 10..	30
77	Male.	do..	do.	Jan. 23.	50
78	Female..	do...	do.	Feb. 3..	24
79	Male.	do.	do.	March 26..	25
80	Female.	do.	do.	April 8..	37
81	Female.	do..	do.	May 15.	58
82	Female.	do..	do.	May 19.	62
83	Female.	do..	do.	June 15	35
84	Male	do..	do...	June 19..	20
85	Female.	do..	do.	June 30.	60
86	Male	do..	do.	July 26..	41
87	Male	do.	do.	July 29..	32
88	Male	do.	do.	Aug. 14.	25
89	Male	do.	do.	Nov. 17	30
90	Female.	do..	do.	Dec. 28.	35
91	Male.	do..	do.	1859—Jan. 2..	25
92	Female.	Idiot.	do.	Jan. 8.	10
93	Male	Lunatic	do.	Jan. 8..	43

TABLE—CONTINUED.

No.	Male or Female.	Mental Condition.	Pauper or Pay Patient.	Date of Reception.	Age at the time of re- ception.	Date of Discharge.	Date of Death.	Disease.
94	Female.	Lunatic	Pauper	1859—Jan. 17..	30			
95	Male	Lunatic & Epileptic	do.	Feb. 2.	35			
96	Female..	Lunatic ..	do.	Feb. 3..	27			
97	Female.	do. . . .	do.	Feb. 14.	34			
98	Male .	do..	do.	March 13..	45			
99	Female..	do..	Partial Pay	March 26.	55			
100	Male	Idiot .	Pauper	April 17..	28			
101	Male	Lunatic ..	do.	May 16...	35			
102	Female.	Idiot	do..	May 25.	18			
103	Male	do..	do	June 13.	31			
104	Male	Lunatic ..	do..	June 15.	27	1867—Dec. 8..		
105	Male	do.	do..	July 11.	39			
106	Male	do. . . .	do.	July 13.	29			
107	Female.	Lunatic & Epileptic	do..	July 21.	19			
108	Male	Lunatic ..	do.	July 23.	45			
109	Male .	do..	do.	July 23.	30			
110	Female.	do..	Pay Patient.	Sept. 7 .	32			
111	Female.	Lunatic & Epileptic	Pauper	Dec. 11.	25			
112	Female.	Lunatic	do. . .	Dec. 30..	36			
113	Male .	Lunatic & Epileptic	Pay Patient.	Dec. 31..	49	1868—Sept. 7		
114	Female.	Idiot	Pauper	1860—Jan. 10.	18			

115	Female.	Lunatic..	Pauper.....	1860—Jan. 17	27
116	Male	do.	Partial Pay.	March 20.	36
117	Male	do.	do.	March 30.	28
118	Female.	Lunatic & Epileptic	Pauper.....	March 30.	30
119	Female.	Lunatic	do.	April 28.	50
120	Male	do.	do.	May 5.	27
121	Male	do.	do.	May 10.	45
122	Male	do.	do.	May 16.	25
123	Female.	do.	do.	May 22.	52
124	Female.	do.	do.	June 3.	50
125	Female.	do.	do.	June 11.	28
126	Female.	do.	do.	July 10.	32
127	Male	do.	do.	July 15.	36
128	Male	do.	do.	Aug. 17	32
129	Female.	do.	do.	Sept. 12.	30
130	Male	do.	do.	Sept. 27	35
131	Male	do.	do.	Oct. 16.	33
132	Male	do.	Pay Patient.	Nov. 14.	28
133	Female.	Idiot	Pauper	Nov. 14.	15
134	Female.	Lunatic	do.	Dec. 2.	65
135	Female.	Idiot	do.	Dec. 19.	38
136	Female.	Lunatic	do.	1861—March 12	21
137	Female.	do.	do.	March 13.	48
138	Female.	do.	do.	March 30.	37
139	Female.	do.	Pay Patient.	April 1.	46
140	Male	do.	Pauper.	April 24	45
141	Male	Lunatic & Epileptic	do.	May 8.	15

1867—Oct. 29 Dysentery.

TABLE—CONTINUED.

No.	Male or Female.	Mental Condition.	Pauper or Pay Patient.	Date of Reception.	Age at the time of re- ception.	Date of Discharge.	Date of Death.	Disease.
142	Female.	Lunatic	Pauper..	1861—May 9.	27		1867—Oct. 30..	Maniacal Exhaustion
143	Male	Idiot	do.	May 10....	18			
144	Female	Lunatic & Epileptic	do.	May 22...	45			
145	Male	Lunatic..	do.	May 21.	30			
146	Male	do.	do....	June 13.	27			
147	Male	do.	Pay Patient	July 14..	52			
148	Male	do.	Pauper	August 7	39			
149	Female	do.	do.	August 19	28			
150	Male	do.	do.	Nov. 12.	30			
151	Male	Lunatic & Epileptic	do.	Nov. 26.	45			
152	Female	Lunatic & Epileptic	do.	1862—Feb. 14.	30			
153	Male	Lunatic & Epileptic	do.	March 14.	35			
154	Male	Lunatic..	Pay Patient.	April 24. .	25			
155	Female	do.	Pay Patient	June 12....	23			
156	Male	do.	Pauper..	June 22.	25			
157	Female	Idiot	do.	July 3..	9			
158	Male	Lunatic..	Partial Pay	August 7	23			
159	Female	do.	Pauper.	August 12.	35			
160	Female	do.	Partial Pay	August 31.	30			
161	Male	do.	Pauper..	Sept. 17	42	1868—Jan. 10..		
162	Male	Idiot	do. . . .	Oct. 15.	28			

163 Female.	Lunatic	Partial Pay	1862—Oct. 21.	27	1868—June 26.	Inflam. Bowels
164 Female.	Idiot	Pauper	Oct. 29.	21		
165 Male	Idiot	do.	Dec. 17.	45		
166 Male	Lunatic & Epileptic	do.	1863—Jan 17	41		
167 Female..	Lunatic	do.	Jan. 22	58		
168 Female.	Lunatic & Epileptic	do.	Feb. 12.	45		
169 Male	Lunatic ..	do.	May 15.	32		
170 Female.	do.	do.	July 8.	30		
171 Male	do. . . .	do	July 10.	48		
172 Male .	Lunatic & Epileptic	Pay Patient	July 11.	26	1868—May 14.	
173 Male .	Lunatic & Epileptic	Pay Patient.	July 8.	26		
174 Male	Epileptic ..	Pauper	July 15	23		
175 Male	Lunatic	do..	Aug. 9.	47		
176 Female..	do.	do.	Aug. 21.	60		
177 Male	do.	do	Sept 3.	35		
178 Female..	do.	do	Sept. 5.	29		
179 Female.	do.	do.	Sept. 12.	21		
180 Male	do.	do.	Nov. 8.	38		
181 Female.	do.	do.	1864—Jan. 21.	40		
182 Female.	do. . . .	do..	Feb. 1.	36		
183 Female.	Lunatic & Epileptic	Partial Pay	Feb. 4.	47		
184 Male	Lunatic	Pauper	Feb. 17	26		
185 Male	Idiot	do.	Feb. 19.	10		
186 Female..	Lunatic & Epileptic	do.	March 27	40		
187 Male	Epileptic	do.	April 12.	33		
188 Male	Lunatic	do.	April 17	45	1868—May 15	
189 Male ..	Lunatic & Epileptic	do.	May 12	20		

TABLE—CONTINUED.

No.	Male or Female.	Mental Condition.	Pauper or Pay Patient.	Date of Reception.	Age at the time of re- ception.	Date of Discharge.	Date of Death.	Disease.
190	Male	Idiot.	Pay Patient	1864—May 17	18			
191	Female.	Lunatic	Pauper	May 18.	43			
192	Male	Lunatic	Partial Pay	May 25.	37			
193	Female..	Lunatic & Epileptic	Pauper	May 26.	28			
194	Female..	Lunatic	do.	June 29	26			
195	Female..	Lunatic	do.	Aug. 23.	30			
196	Female..	Lunatic	do.	Sept 3.	45			
197	Female..	Lunatic	do.	1865—Jan. 20.	20	1868—May 7		
198	Male	Lunatic & Epileptic	Pauper	March 17	50			
199	Male	Lunatic	do.	March 31.	45			
200	Male	Lunatic	do	April 1.	25	1868—June 3.		
201	Male	Idiot	do.	April 13..	40			
202	Female..	Lunatic	do.	April 15.	37			
203	Female..	Idiot	do.	July 24.	10			
204	Male	Lunatic	Pay Patient	July 27	28	1868—Nov. 12.		
205	Male	Lunatic	Pauper	Aug. 9.	24			
206	Male, Col'd.	Lunatic	do.	Aug. 17	58			
207	Male	Lunatic	Partial Pay	Aug. 31.	27			
208	Female..	Lunatic	do.	Sept. 4.	45			
209	Male	Lunatic & Epileptic	Pauper	Sept. 21.	31			
210	Female..	Lunatic & Epileptic	do	Oct. 2.	13			

211 Female...	Idiot	Pauper	1865—Oct. 4.	30
212 Female.	Lunatic & Epileptic	do.	Nov. 1.	35
213 Female...	Idiot	do.	Nov. 10.	17
214 Male	Lunatic ..	Pay Patient	Nov. 16.	31
215 Male	Lunatic	Pauper	Nov. 20	25
216 Male	Lunatic ..	do.	Dec. 4	32
217 Male	Idiot	do	Dec. 7	25
218 Female.	Lunatic	do.	1866—Jan. 10	25
219 Male	Idiot	do	Jan. 26.	23
220 Male	Lunatic.	do.	Jan. 30	25
221 Male	Lunatic	do.	Feb. 16.	36
222 Male	Lunatic ..	do ..	Feb. 20.	55
223 Female	Lunatic	do.	Feb. 21.	25
224 Male ..	Idiot	do.	March 15.	20
225 Male ...	Idiot	do	March 15.	17
226 Female.	Lunatic	do.	March 15..	60
227 Male	Lunatic & Epileptic	do	March 16..	27
228 Female.	Lunatic ..	do.	April 2.	45
229 Female.	Lunatic ..	do.	April 5.	60
230 Male	Lunatic	do.	April 11.	24
231 Male	Lunatic.	do	April 15.	18
232 Male	Idiot	do.	April 19.	13
233 Male	Idiot	do.	April 19.	9
234 Female.	Lunatic ...	do	May 8..	65
235 Male	Lunatic ...	do.	May 23.	31
236 Male	Lunatic & Epileptic	do.	May 24.	36
237 Male	Lunatic	do	June 1.	32
				1867 Oct. 26 . Dysentery
				1868 April 14.
				1868 Feb. 15.
				1868 Feb. 24. Dropsy.
				1868 Jan. 2. Epilepsy.

TABLE—CONTINUED.

No.	Male or Female.	Mental Condition.	Pauper or Pay Patient.	Date of Reception.	Age at time of reception.	Date of Discharge.	Date of Death.	Disease.
238	Male	Lunatic	Pauper	1866—June 14.	22	1868—Nov. 8.	.	
239	Female.	do..	do.	June 15.	21			
240	Male	Idiot	do.	June 18.	16			
241	Male	do..	do.	June 18.	12			
242	Female.	do..	do.	June 18.	14			
243	Male	Lunatic & Epileptic	do.	June 20.	22			
244	Male	Lunatic ..	do.	June 26.	24			
245	Female..	Idiot	do.	June 27	15			
246	Male	Lunatic	do.	July 10.	27			
247	Male	Idiot	do.	July 13..	40			
248	Female..	Lunatic & Epileptic	do.	July 22..	40		1867—Dec. 1.	Epilepsy.
249	Female.	Lunatic ..	do.	July 24.	15		Oct. 24.	Dysentery.
250	Female.	do..	do.	Aug. 7.	22		1868—June 2.	Maniacal Exhaustion
251	Male	Lunatic & Epileptic	do.	Aug. 10.	27			
252	Female.	Lunatic	do.	Sept. 3.	60			
253	Male	Lunatic & Epileptic	do.	Sept. 8.	17			
254	Female.	Idiot	do.	Sept. 12.	12	1867—Oct. 13.		
255	Female.	Lunatic & Epileptic	do.	Oct. 4.	35		1868—April 1..	Epilepsy.
256	Male	Lunatic	do.	Oct. 9.	48			
257	Male	do..	do.	Oct. 9.	22			
258	Male	do.	do.	Oct. 9	16			

259	Male	Lunatic	Pauper ...	1866--Oct. 13.	42	1868	Oct. 1..
260	Female	do.	do.	Oct. 23.	59		
261	Female	do.	do.	Oct. 31	35		
262	Male	Idiot .	do.	Nov. 1.	20		
263	Female	Lunatic	do. ...	Nov. 10..	14		
264	Female	Idiot	do.	Nov. 15.	31		
265	Male	Lunatic	do..	Nov. 16. .	28		
266	Female	Idiot	do.	Nov. 18.	9		
267	Male	Lunatic ..	do.	Nov. 19.	71		
268	Female	do.	Pay Patient	Nov. 21.	28	1868	May 3.
269	Male	do.	Pauper	Nov. 22.	55		
270	Female	Lunatic & Epileptic	do.	Nov. 27.	14		
271	Female	Lunatic	do.	Dec. 10.	33		
272	Female	Lunatic & Epileptic	do.	Dec. 14.	40	1868	Sept. 26.
273	Male	Epileptic	do.	Dec. 14.	17		1868 March 26 Epilepsy.
274	Female ...	Lunatic	do.	Dec. 14.	37	1868	Oct. 1
275	Female ...	do.	do.	Dec. 28.	24		
276	Male	do.	do.	Dec. 23.	38	1867	Dec. 15..
277	Male	do.	do.	Dec. 23.	19	1868	June 12.
278	Female	do.	do.	Dec. 23.	16		
279	Female	do.	do.	1867--Jan. 8.	65		
280	Female	do.	do..	Jan. 23	65		
281	Female	do.	do.	Jan. 23.	23	1867	Nov. 6. Dropsy
282	Male	do.	do..	Jan. 24			Dec. 8.
283	Female	do.	do.	Jan. 28....	35		
284	Female	do.	do.	Jan. 31	18		
285	Female	do.	do..	Feb. 3.	30		

TABLE—CONTINUED.

No.	Male or Female.	Mental Condition.	Pauper or Pay Patient.	Date of Reception.	Age at the time of re- ception.	Date of Discharge.	Date of Death.	Disease.
286	Female	Idiot	Pauper	1867—Feb. 7.	37			
287	Female	Idiot	do.	Feb. 8.	16			
288	Female	Lunatic	do.	Feb. 12.	23			
289	Female	do.	do.	Feb. 23.	45			
290	Male	do.	do.	Feb. 23.	22			
291	Male	do.	Pay Patient.	Feb. 23.	27			
292	Male	do.	Pauper	Feb. 28.	30			
293	Male	Lunatic & Epileptic	do.	March 8.	30	1868—Feb. 9.		
294	Female	Lunatic	do.	March 21.	40			
295	Male	do.	do.	March 21.	30			
296	Female	do.	do.	March 21.	60		1867—Dec. 21.	Pneumonia.
297	Female	do.	Partial Pay	March 23.				
298	Male	do.	Pauper	March 25.	78			
299	Female	do.	do.	March 27.	80			
300	Female	do.	do.	March 27.	35			
301	Male	do.	Pay Patient.	March 28.	20	1868—May 13.		
302	Male	do.	Pay Patient.	March 29.	53	1868—March 15		
303	Male	do.	Pauper	March 30.	35			
304	Male	Lunatic & Epileptic	do.	March 30.	8			
305	Female	Lunatic	do.	March 30.	28			
306	Female	do.	do.	April 6	25			

307	Male	Lunatic.	Pauper	1867—April 10.	30
308	Male	do.	do.	April 10.	30
309	Female	do.	do.	April 13.	33
310	Female	do.	do.	April 13.	30
311	Female	do.	do.	April 13.	
312	Female	do.	do.	April 13.	1867 Nov. 3.
313	Male	Lunatic & Epileptic	Partial Pay	April 16.	21
314	Female	Lunatic.	Pay Patient.	April 17.	33
315	Female	do.	Pay Patient.	April 18.	46
316	Male	do.	..... Pauper	April 24.	41
317	Male	do.	do.	April 29.	25
318	Female	do.	do.	May 3.	50
319	Female	do.	Partial Pay	May 17.	45
320	Female	do.	Pauper.	May 17.	35
321	Female	do.	Pay Patient.	June 12.	33
322	Male	do.	Partial Pay	June 26.	76
323	Male colored	Lunatic & Epileptic	Pauper	June 26.	15
324	Male	Idiot	do.	July 25.	22
325	Female	Lunatic	do.	July 30.	26
326	Male	do.	do.	August 10.	56
327	Male colored	do.	do.	August 10.	20
328	Female col'd	do.	do.	August 10.	30
329	Female	do.	do.	August 12.	
330	Female col'd	do.	do.	August 16.	30
331	Female col'd	do.	do.	August 20.	24
332	Female col'd	do.	do.	August 22.	24
333	Female col'd	do.	do.	August 22.	23
				1868 March 26	Marasmus.

TABLE—CONTINUED.

No.	Male or Female.	Mental Condition.	Pauper or Pay Patient.	Date of Reception.	Age at the time of re- ception.	Date of Discharge.	Date of Death.	Disease.
334	Female col'd	Lunatic ..	Pauper	1867--Aug. 22.	24	1868--April 5..	1868--Oct. 22.	Consumption.
335	do..	do.	do.	August 22.	55	..	1868--Feb. 11.	Dysentery.
336	do..	do.	do.	August 22.	78	..		
337	do...	do.	do.	August 22.	45			
338	Male colored	Lunatic & Epileptic	do.	August 22.	20	1868--June 14.		
339	do.	Lunatic ..	do.	August 22.	27			
340	do.	do.	do.	August 22.	30			
341	Female	do.	do.	August 22.				
342	Female col'd	do.	do.	August 24.			1868--Jan. 31.	Consumption.
343	do.	do.	do.	August 24.			1868--Feb. 8.	Consumption.
344	Male colored	Idiot	do.	August 24.			1867--Oct. 10.	Fever.
345	Female	Lunatic ..	do.	August 24.	58		1868--June 27	Dysentery.
346	Female col'd	do.	Pay Patient	August 27				
347	Male colored	Idiot	Pauper	August 29	29			
348	Female col'd	Lunatic & Epileptic	do.	Sept. 5...	70		1868--Dec. 20.	Epilepsy.
349	do.	do.	do.	Sept. 5...	35			
350	do.	Lunatic	do.	Sept. 5...	71		1868--Jan. 1.	Pneumonia.
351	Male	Idiot	do.	Sept. 5...	43			
352	Female	Lunatic	do.	Sept. 7...	54			
353	Male	do.	Partial Pay	Sept. 11..	20	1868--Nov. 18.		
354	Female col'd	do.	Pauper	Sept. 13...	17	1868--July 31..		

355	Female col'd	Lunatic ..	Pauper ..	1868—Sept. 13.	25		
356	Female col'd	do.. . . .	do.	Sept. 14.	25		
357	Female col'd	Lunatic & Epileptic	do.	Sept. 14.	16		
358	Female col'd	Lunatic ..	do.	Sept. 14.	22		1868—Feb. 17 Epilepsy.
359	Female col'd	do.. . . .	do. .	Sept. 14.	40		
360	Male colored	do.. . . .	do. .	Sept. 14.	25		
361	Male colored	Lunatic & Epileptic	do. . .	Sept. 14.	17		
362	Female...	Lunatic	Partial Pay	Sept. 17	19	1868—April 10.	
363	Female col'd	do.	Pauper	Sept. 23.	22	1867—Dec. 22.	
364	Male	do.. . . .	do.	Sept. 28.	10		
365	Male	Idiot	do.	Sept. 30.	15		1868—Jan. 6.. Marasmus.
366	Male	do.	do. . .	Sept. 30.	30		
367	Female col'd	do.	do. .	Sept. 30.	10		
368	Female col'd	do.	do.	Sept. 30.	50		
369	Male	Lunatic ..	do.	October 2..	18		
370	Male .	do.	do.	October 3..	56		
371	Female..	do. . . .	do.	October 3..	54	1868—April 17	
372	Male ...	do.	do.	October 4..	17		
373	Male .	Idiot and Epileptic.	do.	October 8..			
374	Female col'd	Idiot and Epileptic.	do.	October 20.			
375	Male colored	Idiot and Epileptic.	do.	October 20.			1867--Nov. 3. Epilepsy.
376	Male .	Lunatic ..	do.	October 22.	36	1868—Nov. 25.	
377	Female col'd	Lunatic & Epileptic	do.	October 27.			
378	Male colored	Lunatic ..	do.	October 30.	40	1868—June 10.	1868—Feb. 6. Epilepsy.
379	Male	do. . .	do.	October 30.			
380	Female ..	do. . .	do.	Nov. 2..	50		
381	Male . .	do.	Pay Patient	Nov. 7.	36	1868—July 18.	Dysentery.

TABLE—CONTINUED.

No.	Male or Female.	Mental Condition.	Pauper or Pay Patient.	Date of Reception.	Age at the time of re- ception.	Date of Discharge.	Date of Death.	Disease.
382	Male	Epileptic	Pauper	1867—Nov. 8.	..		1868—Jan. 13.	Epilepsy.
383	Male	Lunatic & Epileptic	do.	Nov. 8.	27	1868—Sept. 4.		
384	Female.	Lunatic	do.	Nov. 13.	60			
385	Female col'd	do.	do.	Nov. 19.	35			
386	Female col'd	do.	do.	Nov. 19.	35		1868—Aug. 8.	Inflam. bowels.
387	Male colored	do.	do.	Nov. 19.	40		1868—Aug. 12.	Dysentery.
388	Male colored	do.	do.	Nov. 19.	43			
389	Female.	do.	do.	Nov. 26.	50	1868—June 25.		
390	Female col'd	do.	do.	Nov. 26.	40			
391	Female.	do.	do.	Dec. 6.	31			
392	Female.	do.	do.	Dec. 6.	21	1868—July 31..		
393	Male colored	do.	do.	Dec. 9.	40			
394	Female col'd	do.	do.	Dec. 9.				
395	Male colored	Idiot	do.	Dec. 15..				
396	Male colored	Lunatic & Epileptic	do.	Dec. 16..	70		1868—Feb. 22.	Convulsions.
397	Male	Lunatic ..	Pay Patient.	Dec. 19..	38			
398	Male	do.	Pay Patient.	Dec. 19..	30	1868—Oct. 1.		
399	Female col'd	do.	Pauper	Dec. 20.	40	1868—June 12.		
400	Male	do.	do.	Dec. 20.	56			
401	Male	do.	do.	Dec. 20..			1868—Jan. 3.	Strangulation.
402	Male colored	do.	do.	Dec. 27.				

403 Female	Lunatic	Pauper	1867—Dec. 31.			
404 Male	do.	do.	1868—Jan. 5.	30	1868—April 13.	
405 Female col'd Idiot		do.	Jan. 10.	25	1868—Feb. 9.	Obesity.
406 Female col'd Lunatic		do.	Jan. 10	35		
407 Male	do.	do.	Jan. 10	30		
408 Male	do.	do.	Jan. 15	19	1868—Oct. 1.	
409 Female	do.	do.	Jan. 15	60		
410 Male colored	Idiot	do.	Jan. 21			
411 Male	Lunatic & Epileptic	do.	Jan. 25			
412 Male colored	Lunatic ..	do.	Jan. 25		1868—June 4.	Epilepsy.
413 Female	do.	Pay Patient.	Jan. 30	28	1868—June 15	
414 Male	Lunatic & Epileptic	Pauper	Feb. 4..	15		
415 Female	Lunatic	do.	Feb. 5.	25		
416 Female	Idiot	do.	Feb. 8.	10		
417 Male colored	Lunatic & Epileptic	do.	Feb. 12.	35		
418 Male	Lunatic & Epileptic	do.	Feb. 18.	40	1868—Aug. 22.	Epilepsy
419 Female	Lunatic & Epileptic	do.	Feb. 27	65		
420 Male	Idiot	do.	Feb. 27	15		
421 Male	Lunatic ..	do.	March 1.	21	1868 Oct. 1	
422 Male	do.	do.	March 1.	17		
423 Female	do.	do.	March 1.			
424 Male colored	do.	do.	March 3.	36	1868 June 7	
425 Male	Lunatic & Epileptic	do.	March 3.	30	1868—June 1	
426 Male colored	Lunatic ...	do.	March 4.	23		
427 Male colored	do.	do.	March 5.	27	1868—July 23.	Epilepsy.
428 Female col'd	do.	do.	March 5.	18		
429 Male	do.	do.	March 6.	22		

TABLE—CONTINUED.

No.	Male or Female.	Mental Condition.	Pauper or Pay Patient.	Date of Reception.	Age at the time of re- ception.	Date of Discharge.	Date of Death.	Disease.
430	Female col'd	Lunatic	Pauper	1868—March 7	18			
431	Female col'd	Idiot	do	March 9.	16			
432	Male col'd.	Idiot	do	March 9.	25			
433	Female col'd	Lunatic	do	March 11	36			
434	Male	Idiot	do	March 12.	21		1868—July 21..	Marasmus.
435	Female col'd	Lunatic	do	March 14.				
436	Male	do.	do	March 24.	42			
437	Female col'd	do.	do	April 2.				
438	Female col'd	do.	do	April 10	35		1868—May 29	Dysentery.
439	Male	Idiot	do	April 14.	25		1868—May 29.	Dysentery.
440	Female	Lunatic	do	April 24.	12			
441	Male	Lunatic & Epileptic	do	April 25.	30			
442	Male	Idiot	do	May 5	9			
443	Male col'd.	Lunatic	do	May 9	26			
444	Male	do.	do	May 12.	18	1868—June 25.		
445	Male col'd.	Lunatic & Epileptic	do	May 14.	35			
446	Male	Lunatic	do	May 15.	22			
447	Female	Lunatic & Epileptic	do	May 20.	23	1868—Oct. 7		
448	Female	Lunatic	do	May 25				
449	Male	Idiot	do	May 27				
450	Male	Lunatic & Epileptic	do	May 30.	26			

			1868--June 8.	19	1868--July 23.	
451	Male	Lunatic & Epileptic	June 9.		1868--July 11.	Epilepsy.
452	Male col'd.	Idiot and Epileptic	June 9.			
453	Female col'd	Idiot	June 9.			
454	Male col'd.	Lunatic	June 9.	70		
455	Male col'd.	Lunatic & Epileptic	June 10.	19	1868--July 31.	Epilepsy.
456	Female col'd	Lunatic & Epileptic	June 10.	22		
457	Male col'd.	Lunatic & Epileptic	June 18.	27		
458	Female.	Lunatic & Epileptic	June 23.	40		
459	Female col'd	Lunatic & Epileptic	June 28.	23		
460	Male	Idiot	July 8.	70	1868--July 30.	Old Age.
461	Male col'd.	Lunatic	July 8.	23		
462	Male	do.	July 9.	45		
463	Male	do.	July 13.	22		
464	Female col'd	Lunatic & Epileptic	July 13.	35	1868--Oct. 1.	
465	Male col'd.	Lunatic	July 13.	18		
466	Female col'd	do.	July 14.	80		
467	Male	do.	July 18.	35		
468	Male col'd.	do.	July 20.	25		
469	Female....	do.	July 21.	58		
470	Male	do.	July 29.	35		
471	Male	do.	Aug. 1.	65	1868--Aug. 23.	Marginalia.
472	Male col'd.	do.	Aug. 6.	30		
473	Female col'd	Lunatic & Epileptic	Aug. 25.	28		
474	Male	Lunatic	Aug. 25.	19		
475	Male	Lunatic & Epileptic	Aug. 28.	60		
476	Male col'd.	Lunatic	Aug. 28.	35		
477	Female.	do.	Sept. 3.			

TABLE—CONTINUED.

No.	Male or Female.	Mental Condition.	Pauper or Pay Patient.	Date of Reception.	Age at the time of re- ception.	Date of Discharge.	Date of Death.	Lisense.
478	Male	Lunatic	Pauper	1868—Sept. 8.	38			
479	Female col'd	do.	do.	Sept. 8...	35			
480	Female col'd	do.	do.	Sept. 12..	50			
481	Male	do.	do.	Sept. 13..	55			
482	Female.	do.	do.	Sept. 12..				
483	Female.	do.	do.	Sept. 19..	55			
484	Male	do.	do.	Sept. 20..	50			
485	Female.	do.	do.	Sept. 20.	20			
486	Female.	do.	Partial Pay	Sept. 24.	49			
487	Male	do.	Pauper	Sept. 30.	36			
488	Male col'd*	Lunatic & Epileptic	do.	1867...Oct. 20.			1868—Aug. 12.	Epilepsy.
489	Female col'd*	Lunatic & Epileptic	do.	Aug. 20.			Aug. 17	Epilepsy.

* Those marked * were omitted at proper places.

The Senate took up the bill to create the office of State Geologist; to provide the mode of election and define his duties, &c.

The Committee on Agriculture and Manufactures, to whom this bill was referred, reported the same back, with the recommendation that it do pass with the following amendments, to wit:

In the first section and fourth line, after the words "shall be," strike out the word "a" and insert the words "one or more;" also, in the second section and sixth line, strike out the word "his."

Mr. Smith of the 36th proposed the following amendment, to wit: Strike out sections three, four and five, and insert the following section in lieu, to wit:

And be it further enacted, That the State Geologist shall receive the sum of twenty-five hundred dollars per annum for his services.

After debate on motion of Mr. Wooten, the bill, with the amendments, were laid on the table.

Mr. Holcombe offered the following resolution, which was adopted, to wit:

WHEREAS, It has come to the knowledge of the Senate that Dr. Green, Superintendent of the Lunatic Asylum, is present; therefore, be it

Resolved, That he be tendered a seat on the floor of the Senate.

On motion of Mr. Speer the Senate took up from the table and referred to the Judiciary Committee the bill to define, and punish parties for removing or destroying, co-partnership fences.

The Senate took up the report of the Committee of the Whole on the bill of the House to alter and amend an act to incorporate the North Georgia Mining Company, approved March 1, 1856.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to change the time of holding the Superior Court for the county of Clay.

The Judiciary Committee, to whom this bill was referred, reported the same back, with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to authorize the Ordinary of Stewart county to draw his warrant upon the treasury of Stewart county, &c.

Mr. Speer proposed to amend by inserting the following proviso, which was agreed to, to wit:

Provided, That the provisions of this act shall not extend beyond the first day of June, 1865.

On motion of Mr. Fain the bill was laid on the table for the present.

Mr. Dickey offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That the Hon. Joshua Hill be tendered a seat on the floor of the Senate during the session, and that the Messenger be directed to provide the same.

The following bills were introduced and severally read the first time, to wit:

By Mr. Speer—

A bill to amend section 798 of the Code of Georgia, by striking out from said section the words "or bonds of the United States."

By Mr. McCutchen—

A bill to amend an act entitled an act to enable parties having claims against the Nashville & Chattanooga Railroad Company, in the State of Georgia, to perfect service upon said company, and for other purposes, assented to 20th December, 1860.

By Mr. Welch—

A bill to add an additional section to the 889th paragraph of Irwin's Code.

By Mr. McArthur—

A bill to incorporate the Georgia Male and Female Mutual Life Insurance Company.

By Mr. Anderson—

A bill to create a new county out of Troup and Harris.

By Mr. Nunnally—

A bill to alter and amend the several acts incorporating the city of Griffin.

Also, a bill to authorize the Ordinaries of the counties of Spalding, Jasper, Morgan and Putnam to levy a tax to pay fifty per cent. of insolvent criminal costs accrued in said counties since the first day of June, 1865.

By Mr. Richardson—

A bill to change the streets and alleys in the town of Dawsonville, Georgia.

Mr. Speer offered the following resolution, which was lost, to wit:

Resolved, That the Committee on the State of the Republic be requested to take into consideration the propriety of permitting all females in this State to exercise the right of suffrage, and that they report such action as they may deem necessary, and report the same, by bill or otherwise, to this body at an early day.

Mr. Bruton offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That a committee of three be appointed to inquire and report what sums of money have been paid by the Georgia National Bank for interest on the daily balances of the public money deposited therein, and, if any has been paid, to whom, for whose account; and, if none has been paid, whether any is to be, and to whom and for whose account.

The Chair announced as the committee under the foregoing Messrs. Bruton, Smith of the 36th and Winn.

Mr. Wellborn offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That the Senate approves the appointments of clerks by the Secretary of the Senate made under the provisions of the resolutions passed by the Senate on the 25th instant.

The following bill of the House was taken up and read the second time, and referred to the Committee of the Whole, to wit :

A bill to make it a penal offense to hunt with fire at night in the counties of Brooks, Floyd, Thomas and Randolph.

The following bills were taken up and severally read the second time, and referred to the Judiciary Committee, to wit :

A bill to define the jurisdiction of Notaries Public *ex-officio* Justices of the Peace ; to fix their fees, and to increase the fees of Constables.

A bill to amend an act entitled an act to change the time of holding the Superior Courts in the Coweta Circuit.

A bill to abolish the liens of judgments in this State.

A bill to amend section 4304 of the Code of Georgia.

A bill authorizing county officers of this State to publish notices and advertisements in the newspaper or gazette having the largest circulation and published within sixty miles of their respective offices, and empowering the several Ordinaries of this State to issue cost executions against all executors, administrators, trustees and their securities.

The following bill was taken up and read the second time and referred to the Committee on the State of the Republic, to wit :

A bill to protect the lives of the citizens of this State.

The following bills were taken up, read the second time and referred to the Committee on Internal Improvements, to wit :

A bill to authorize the State to build a branch railroad from the Western & Atlantic Railroad at Kingston, in Bartow county, to the town of Van Wert, in Polk County, to be exclusively the property of the State.

A bill to authorize the Governor to make contracts with the various railroad companies to which the State extended its aid at the last session of its Legislature, by providing for the endorsement of their bonds, to employ upon said

roads a certain class of convicts now confined in the Penitentiary of this State.

The hour having arrived the President announced the Senate adjourned until to-morrow morning at ten o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Saturday, January 30, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Smith, Honorable Senator from the 7th District.

The roll was called and the Journal of the previous day was read and approved.

Mr. Burns, in accordance with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the joint resolution providing for the appointment of a committee to visit sections where disorder is reported, and report to the General Assembly what proceedings should be instituted.

The motion to reconsider prevailed.

Mr. Gignilliat then moved to amend the resolution as follows, to wit:

Insert between the words "Taliaferro and" the words "Chatham and McIntosh," and after the words "consisting of" strike out the word "one" and substitute the word "three," strike out the word "two" and substitute the word "five."

Mr. Adkins moved to amend by inserting the word "Pulaski" after the word "Warren."

After debate Mr. Colman moved to lay the whole on the table, whereupon the yeas and nays were required to be recorded and are yeas 13, nays 17.

Those voting in the affirmative are—

Messrs. Adams, Adkins, Bowers, Brock, Colman, Corbitt, Dickey, Griffin 6th, Higbee, Richardson, Sherman, Spear and Welch.

Those voting in the negative are—

Messrs. Anderson, Bruton, Burns, Candler, Fain, Gignilliat, Graham, Holcombe, Hungerford, Lester, McArthur, McCutchen, McWhorter, Nunnally, Smith 7th, Smith 36th and Wellborn.

So the motion to lay on the table was lost.

After debate the previous question was called, and being sustained, the main question was ordered upon the amendment of Mr. Adkins, which was adopted.

The question was then ordered upon the amendment as proposed by Mr. Gignilliat, and the same was agreed to.

The question was then put upon the adoption of the resolution as amended, and the resolution as amended was adopted.

The Chair announced as the additional committee under the foregoing, on the part of the Senate, Messrs. McArthur and Welch.

The Chair presented a communication from Mr. George W. Paschal in reference to "Paschal's Annotated Constitution of the United States," which was taken up and read and referred to the Committee on Petitions.

The following message was received from his Excellency the Governor through Mr. de Graffenried, his Secretary, to wit:

Mr. President:

The Governor has signed and approved the following resolution, to wit:

"Resolution appointing a committee of two from the Senate, and three from the House, to investigate the claim of G. H. Penfield, agent Sharpe's Rifle Company."

Mr. Nunnally, chairman of the Committee on Internal Improvements, made the following report:

Mr. President:

Your committee, to whom was referred a bill to be entitled an act to alter and amend an act to incorporate the Union and Lumpkin Turnpike Company, and to grant certain privileges to the same, assented to 28th December,

1843; to extend the time for the operation of said charter; to change the name of the same, and for other purposes, have had the same under consideration and recommend the same do pass.

Also, a bill to be entitled an act to secure the summary enforcement of laborers' liens, and for other purposes, which they recommend be referred to the Committee on the Judiciary.

Also, a bill to be entitled an act to give the Ordinaries of the respective counties of this State jurisdiction in cases of nuisance, which they recommend be referred to the same committee.

All of which is respectfully submitted.

A. D. NUNNALLY, Chairman Committee.

On motion the foregoing report was taken up and the recommendation contained therein, so far as relates to the reference of the following bills to the Judiciary Committee, was agreed to, to wit:

A bill to secure the summary enforcement of laborers' liens, and for other purposes.

A bill to give the Ordinaries of the respective counties of this State jurisdiction in cases of nuisance.

Mr. Adkins, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the resolution, as offered by Mr. Speer, providing that the Committee on the State of the Republic be requested to take into consideration the propriety of permitting all females to exercise the right of suffrage, &c.

After debate Mr. Brock moved to lay the motion on the table, which was not agreed to.

The question was then put upon the motion to reconsider, which was lost.

On motion the rules were suspended, and Mr. Speer offered the following resolution, to wit:

Resolved, That the sincere thanks of the Senate are due, and are hereby most respectfully tendered to, Colonels John Screven, George H. Hazlehurst, E. Hulbert, General

W. S. Holt and Captain A. J. White—the respective Presidents of the Atlantic & Gulf Railroad, Macon & Brunswick Railroad, Western & Atlantic Railroad, Southwestern Railroad and Macon & Western Railroad—for favors extended to members of the Senate, and that the above-named gentlemen be tendered seats on the floor of the Senate when in or visiting the city.

Resolved further, That this resolution be signed by the President of the Senate and countersigned by the Secretary, and a copy forwarded to each of said officers by the Secretary.

Mr. Nunnally called for a division of the resolution, so as to allow the vote to be taken first on that part of the same inviting the gentlemen named in the resolution to seats on the floor of the Senate. The division was allowed, and that portion of the resolution, as above recited, was agreed to. The question was then put upon the remaining part of the resolution, which was adopted.

The question then recurred upon the adoption of the resolution as a whole, which was agreed to.

The following message was received from the House of Representatives through Mr. Hardin, their Clerk : .

Mr. President :

The House of Representatives has passed the following bills, and I am ordered to transmit the same to the Senate, to wit :

A bill to be entitled an act to amend the garnishment law of this State.

Also, a bill to be entitled an act to change the line between the counties of Berrien and Irwin.

Also, a bill to be entitled an act to remove obstructions from Bluff Creek, in the county of Pulaski, and Cedar Creek and Foalson Creek, in the county of Wilcox, and for other purposes therein mentioned.

Also, a bill to be entitled an act to amend the charter of the Macon & Western Railroad Company.

Also, a bill to be entitled an act to authorize the Clerks

of the Superior Courts of this State to issue executions on judgments obtained in the Inferior and County Courts of this State in cases where the Clerks of said Inferior and County Courts have failed to do so.

Also, a bill to be entitled an act to amend section 3761 of the Code, and to construe section 3814 of the same.

Also, a bill to be entitled an act to incorporate the American Manufacturing Company, and to confer certain powers and privileges thereon.

Also, a bill to be entitled an act to change the line between the counties of Irwin and Wilcox.

Also, a bill to be entitled an act to amend an act to incorporate the town of Jonesboro', in the county of Clayton, and an act amendatory thereof.

The Committee on Enrollment made the following report, to wit:

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following act, to wit:

An act to repeal an act entitled an act to repeal the 6th section of the charter of the Atlanta Medical College, assented to on the 14th day of December, 1858, and to define more fully the powers of the Board of Trustees of said College, and to enlarge said board.

E. I. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, their Clerk :

Mr. President :

The House of Representatives has passed the following bill, to wit:

A bill to be entitled an act to authorize the Governor to draw his warrant for the payment of the balance due D. W. Kolbe and Byrd & Kolbe for "artificial limbs" furnished

mained soldiers of the State, and appropriating money for the same.

On motion the rules were suspended, and Mr. Wellborn offered the following resolution, to wit :

WHEREAS, Dissatisfaction has been manifested by the Congress of the United States with the action of the Legislature of this State at its first session, in reference to the expulsion of colored members, and probably with reference to other questions of which we are not fully apprised ; and whereas, said Legislature acted in good faith, believing that it was moving within the scope of the Constitution of the United States and of this State ; and whereas, said Legislature is exceedingly desirous that the State of Georgia, whose representatives they are, should be fully restored to the great commonwealth of States under the Constitution of a common country, and, above all else, to cordial and fraternal relations with the General Government in all of its departments ; and whereas, they feel assured that the great mass of the people of Georgia share in this patriotic desire ; and whereas, they feel and believe that motives have been attributed to them by which they have never been actuated ; therefore, in order that the Congress of the United States may be more fully informed as to the purity of purpose and good faith of this General Assembly in all that it has heretofore done in reference to the vexed and complicated questions with which it has had to deal, be it

Resolved by the Senate and House of Representatives, in General Assembly met, That a committee of three, to be composed of the Honorables Joseph E. Brown, J. R. Parrott and A. H. Stephens, be authorized and empowered to proceed to Washington City, and to represent to the Congress of the United States the true state of affairs in Georgia, and to ascertain what solution of our present unfortunate difficulties can be had which will be satisfactory to that body and compatible with our duty as sworn Senators and Representatives.

After debate Mr. Nunnally moved that the resolution be made the special order for Wednesday next immediately

after the reading of the Journal, and that one hundred copies of the same be printed for the use of the Senate.

Mr. Adkins moved as a substitute that the resolution be referred to the Committee on the State of the Republic, with instructions to report upon the same at an early day.

After debate Mr. Winn called for the previous question, which being sustained, the main question was put upon the motion of Mr. Nunnally, which was agreed to.

The following bills were introduced and severally read the first time, to wit :

By Mr. Nunnally—

A bill to authorize the consolidation of the Charlotte & South Carolina Railroad Company and the Columbia & Augusta Railroad Company, and amending the charter thereof.

By Mr. Anderson—

A bill to amend the second section of an act, approved December the 15th, 1866, entitled an act to give landlords a lien upon the crops of tenants for stock, farming utensils, &c., and for other purposes.

The following bills of the House of Representatives were taken up and severally read the first time, to wit :

A bill to authorize the Governor to draw his warrant for the payment of the balance due D. W. Kolbe and Byrd & Kolbe for artificial limbs furnished maimed soldiers of the State, and appropriating money for the same.

A bill to authorize the Clerks of the Superior Courts of this State to issue executions on judgments obtained in the Inferior and County Courts of this State in cases where the Clerks of said Inferior and County Courts have failed to do so.

A bill to amend the garnishment law of this State.

A bill to remove obstructions from Bluff Creek, in the county of Pulaski, and Cedar Creek and Foalsom Creek, in the county of Wilcox, and for other purposes therein mentioned.

A bill to amend section 3761 of the Code, and to construe section 3814 of same.

A bill to provide for the election of Justices of the Peace and Constables throughout the State.

A bill to incorporate the Americus Manufacturing Company, and to confer certain powers and privileges thereon.

A bill to change the line between the counties of Berrien and Irwin.

A bill to consolidate and amend the several acts incorporating the town of Lumpkin, in the county of Stewart, and to grant certain privileges to the same.

A bill to change the line between the counties of Irwin and Wilcox.

A bill to define the true intent and meaning of section 3652 of the Code of Georgia.

A bill to authorize W. A. Bass, administrator, and Ann M. Cozart, administratrix of Hubbard W. Cozart, deceased, late of Fulton county, Georgia, to sell the personal property of said estate on the premises where said property may be.

A bill to amend the charter of the Macon & Western Railroad Company.

A bill authorizing the Treasurers of White and Habersham counties to receive jury certificates for all dues to said counties.

A bill to apportion certain sections of roads to be worked by the employees of the Concord Manufacturing Company, and thereby exempt them from general road duty.

A bill to incorporate the town of Trion, in the county of Chattooga.

A bill to amend an act to incorporate the town of Jonesboro', in the county of Clayton, and an act amendatory thereof.

A bill to define the boundary line between the counties of Clay and Quitman.

On motion of Mr. Nunnally the Senate took up from the table the bill to incorporate the Commercial Banking Company of Griffin.

The Committee on Banks, to whom this bill was referred, reported the same back with the recommendation that it do pass with the following amendment to come in after the

word "establish" in the sixth from the last line of the second section, to wit:

"And the individual property of each stockholder shall be bound for the debts of the company in proportion to the stock held by him or her."

On motion the amendment was disagreed to.

Mr. Nunnally moved that the bill do now pass, and upon the question "shall the report of the committee be disagreed to, and the bill now pass," a constitutional majority being required to pass the same, the yeas and nays were required to be recorded, and are yeas 24, nays 2.

Those voting in the affirmative are Messrs. Adams, Adkins, Anderson, Bowers, Brock, Bruton, Candler, Corbitt, Dickey, Gignilliat, Graham, Griffin, Hungerford, Lester, McArthur, McCutchen, McWhorter, Nunnally, Sherman, Smith 7th, Smith 36th, Speer, Wellborn, Welch.

Those voting in the negative are Messrs. Holcombe, Winn.

So the report of the committee was disagreed to and the bill passed by a constitutional majority

The following bills were taken up and severally read the second time and referred to the Judiciary Committee, to wit:

A bill to incorporate the Georgia Male and Female Mutual Life Insurance Company.

A bill to add an additional section to the 889th paragraph of Irwin's Code.

A bill to enable parties having claims against the Nashville & Chattanooga Railroad Company, in the State of Georgia, to perfect service upon said company, and for other purposes, assented to 20th December, 1860.

A bill to amend the several acts incorporating the city of Griffin.

A bill to authorize the Ordinaries of the counties of Spalding, Jasper, Morgan and Putnam to levy a tax to pay fifty per cent. of insolvent criminal costs accrued in said counties since the first day of June, 1865.

The following bill was taken up and read the second time and referred to the Committee of the Whole, to wit :

A bill to change the streets and alleys in the town of Dawsonville.

The following bill was taken up and read the second time and referred to the Finance Committee, to wit :

A bill to amend section 798 of the Code of Georgia by striking out from said section the words "or bonds of the United States."

The following bill was taken up and read the second time and referred to the Committee on New Counties and County Lines, to wit :

A bill to create a new county out of Troup and Harris.

Mr. Speer offered the following resolution, which was taken up, read and unanimously adopted, to wit :

Resolved, That a seat be tendered on the floor of the Senate to the Hon. A. H. Stephens, during his sojourn in the city, and that the President inform him of such action on the part of the Senate.

The Senate took up the report of the Committee of the Whole on the bill of the House to make it a penal offense to hunt with fire at night in the counties of Brooks, Floyd, Thomas and Randolph.

On motion of Mr. Hungerford the bill was laid on the table.

On motion of Mr. Speer the hour of adjournment was extended to two o'clock for this day.

The Senate took up the bill to alter and amend an act entitled an act to incorporate the Union and Lumpkin Turnpike Company, and to grant certain privileges to the same, assented to 28th December, 1843 ; to extend the time for the operation of said charter ; to change the name of the same, and for other purposes.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion of Mr. Lester the following bill of the House was withdrawn from the Judiciary Committee, to whom it had been referred, and put upon its passage, to wit :

A bill to authorize the holding of the Superior Courts in Clarke and Baldwin counties at the February term 1869, and to provide juries therefor.

On motion the bill was read the third time and passed.

On motion the Senate adjourned until Monday morning, at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Monday, February 1, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Adams, Honorable Senator from the 20th District.

The roll was called and the Journal of Saturday was read and approved.

Mr. Lester, in conformity with previous notice, moved to reconsider so much of the Journal of Saturday as relates to the action of the Senate on the bill of the House to make it a penal offense to hunt with fire at night in the counties of Brooks, Floyd, Thomas and Randolph.

The motion to reconsider prevailed.

Mr. Speer then offered the following in lieu of section 2, to wit :

"This act shall not go into effect until ninety days after its passage, and it shall be the duty of the Ordinaries of said counties to give notice, by publication in some public gazette in the county, or by printed bills posted throughout the county, at least thirty days prior to said act going into effect, giving the provisions of said act."

Mr. Adkins proposed to amend by adding to the latter part of the amendment, as proposed by Mr. Speer, the words "and unless said notice is given, the law to be void."

Mr. Moore moved to amend by adding the counties of Stewart, Webster, Houston and Lowndes.

Mr. Gignilliat proposed the following amendment, to wit: After the word "Randolph" insert the words "Liberty and McIntosh."

After debate, on motion of Mr. Candler, the bill, with the amendments, was referred to the Judiciary Committee.

The following message was received from the House of Representatives through Mr. Hardin, their Clerk:

Mr. President:

The House of Representatives has passed the following bill of the Senate, to wit:

A bill to be entitled an act to authorize jurors to be drawn for the January term 1869, and subsequent terms of the Superior Court of Chatham county, and for other Superior Courts and City Courts which may be without juries drawn according to law.

Mr. Candler, from the Committee on the Judiciary, made the following report:

Mr. President:

The Judiciary Committee, to whom were referred certain bills, have had the same under consideration, and recommend that the following do pass, to wit:

A bill to make it penal for persons not having a lawful fence to maim or kill stock.

A bill to incorporate a town to be called Parkersville.

A bill to make valid the acts of certain notaries in this State.

A bill to incorporate the Georgia Male and Female Mutual Life Insurance Company.

A bill to amend section 3329 of the Code in relation to suits against railroad companies.

A bill to amend an act entitled an act to organize a Criminal Court for each county of this State, approved October 7, 1868.

A bill prescribing the mode of dissolving garnishments under attachments, &c.

They have also had under consideration the following bills, which they recommend do not pass, to wit:

A bill to incorporate the Atlanta Canal and Water Works Company.

A bill to regulate employers and employees.

A bill to encourage the arrest of criminals by compensating therefor.

A bill to add an additional section to the 889th paragraph of Irwin's Code.

A bill to define the jurisdiction of Notaries Public *ex-officio* Justices of the Peace, and to fix their fees, and to increase the fees of Constables.

A bill to abolish the lien of judgments in this State.

A bill to give physicians liens on the property of their employees.

A bill authorizing county officers in this State to publish notices and advertisements in the newspapers or gazettes having the largest circulation, and published within sixty miles of their respective offices, and empowering the several Ordinaries of this State to issue cost executions against all executors, administrators, trustees and their securities.

A bill to repeal section 3525 of Irwin's Code, so far as relates to liens on real and personal property in the hands of *bona fide* purchasers for a valuable consideration.

M. A. CANDLER, Chairman.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following acts and resolution:

An act to authorize the holding of the Superior Courts in Clarke and Baldwin counties at the February term 1869, and to provide juries therefor.

An act to change the time of holding the Superior Court for the county of Clay.

An act to alter and amend an act to incorporate the North Georgia Mining Company, approved March 1, 1856.

A resolution that a committee be appointed to visit sections where disorder is reported, and to report to the General Assembly what proceedings should be instituted.

E. I. HIGBEE,

Chairman Committee on Enrollment.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following bill, and I am ordered to transmit the same forthwith to the Senate, to wit:

A bill to be entitled an act to extend the time in which Tax Collectors shall make final settlements with the Comptroller General of the State of the taxes collectable for the year 1868.

Also, a resolution ordering the balance of the Convention tax collected at once, which I am directed to transmit at once.

Also, a resolution that the State Treasurer pay the members and officers of the General Assembly three-fourths of what may be due them from time to time.

Leave of absence was granted to Senator Nesbitt, for a few days, on account of sickness.

The Senate took up the special order for the day, the same being the report of the special joint committee appointed to investigate the claim of G. H. Penfield, agent of Sharpe's Rifle Manufacturing Company, of Hartford, Connecticut, against the State of Georgia.

After debate Mr. Burns moved to lay the resolution on the table for the present, which was not agreed to.

Mr. Smith of the 7th moved that the report of the committee be adopted.

After debate, and pending further action, the hour having arrived, the President announced the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Tuesday, February 2, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. J. W. Parker, D. D., of Washington City.

The roll was called and the Journal of the previous day read and approved.

On motion of Mr. Burns the rule was suspended, and the following bill of the House was taken up and read the second time and referred to the Committee of the Whole, to wit :

A bill to authorize the Governor to draw his warrant for the payment of the balance due D. W. Kolbe and Byrd & Kolbe for artificial limbs furnished maimed soldiers of the State, and appropriating money for the same.

Mr. Speer asked leave to introduce the following resolution, which was read, to wit :

WHEREAS, The Daily Constitution of this morning contains a communication from Washington City, signed "Quill," which is so replete with good, wholesome advice to the people of the South ; and whereas, the dissemination of such views in the State among the masses of those who have been intolerant and proscriptive would go far towards producing a better spirit among all classes, and do much to restore tranquillity and order in our midst ; and if the practical suggestions contained in said communication are heeded by our citizens there will be no necessity for Ku-Klux committees of investigation from the Legislature, and will also develop the agricultural, manufacturing and mineral resources of our beloved State by inducing immigrants to settle in our midst, and to pursue their business avocations regardless of their former or present political opinions ; therefore, be it

Resolved, That the Secretary of the Senate procure one thousand copies of said paper for general distribution by Senators among their constituents.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President:

The House of Representatives has passed the following bills, to wit:

A bill to extend the charter of the Savannah Gas Light Company and the Augusta Gas Light Company.

A bill to incorporate the Desoto Manufacturing Company, in the county of Floyd.

A bill for the relief of William Johnson & Son and George J. Lewis, of the county of Upson.

A bill to exempt certain persons from jury and militia duty in the city of Americus, Sumter county, Georgia.

A bill to relieve from jury duty members of the Watchful Fire Company No. 1, at Cuthbert, Georgia.

A bill to change the times of holding the Superior Courts of the Southern Circuits, and to draw and summon separate panels of jurors for each week of said courts, in the counties of Thomas and Brooks and other counties.

Mr. McCutchen, from the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following act:

An act to authorize jurors to be drawn for the January term 1869, and subsequent terms of the Superior Court of Chatham county, and for other Superior Courts and City Courts which may be without juries drawn according to law.

B. R. McCUTCHEN, Chairman *pro tem*.

Leave of absence was granted to Senator Candler for to-day.

The Senate then resumed the unfinished business of yesterday, the same being the report of the special joint committee appointed to investigate the claim of G. H. Penfield, agent Sharpe's Rifle Manufacturing Company, against the State of Georgia.

After debate, the hour having arrived, the President announced the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,
Wednesday, February 3, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Smith, Honorable Senator from the 7th District.

The roll was called and the Journal of the previous day read and approved.

The following communication was taken up and read, to wit:

GEORGIA STATE AGRICULTURAL SOCIETY,
ATLANTA, GA., February 1, 1869.

To the Hon. Mr. Conley, President of the Senate of Georgia:

SIR: The State Agricultural Society, in full attendance here to-day, have unanimously passed a resolution inviting yourself, and the members of the House over which you preside, to all the privileges of seats in their meeting, and have instructed me to communicate to the Senate, through you, the substance of the invitation.

I respectfully ask that you will communicate to the Senate the invitation of the society, and beg leave, in its behalf, to express the hope that the invitation will be accepted promptly.

Very respectfully,

DAVID W LEWIS,
Secretary State Agricultural Society.

The following message was received from his Excellency the Governor through Mr. de Graffenried, his Secretary, to wit:

Mr. President:

I am directed by the Governor to deliver to the Senate a communication in writing, with accompanying document.

EXECUTIVE DEPARTMENT,
ATLANTA, GA., February 3, 1869.

To the Senate :

“An act to authorize jurors to be drawn for the January term 1869, and subsequent terms of the Superior Courts of Chatham county, and for other Superior Courts and City Courts which may be without juries drawn according to law,” is herewith respectfully returned without the approval of the Executive, for the reason that it is not in harmony with the Constitution, and that by the second section of the act it is continued in force “until further provision be made by the Legislature for the drawing of jurors.”

I believe it is not urged by the friends of the measure that the act is in harmony with our Constitution, but is presented as a temporary measure to meet present emergencies. With this view, other acts applying to certain courts, limited in their operation to the spring term, have been approved; but, from the fact that the act herewith returned is made general in its operation, covering not only the Superior Courts of the State, but the City Courts also, and being without limit as to the time during which it may remain in force, I am unable to give it my assent.

RUFUS B. BULLOCK, Governor.

Mr. McCutchen, chairman *pro tem.* of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following resolution :

A resolution appointing a committee of two on the part of the Senate, to join a committee of three on the part of the House, to make certain investigations in relation to the expenditure of the public funds since the last adjournment of the Legislature.

B. R. MCCUTCHEN, Chairman *pro tem.*

The following message was received from his Excellency the Governor through Mr. de Graffenried, his Secretary, to wit :

Mr. President :

The Governor has signed and approved the following resolution, to wit :

“ Resolution appointing a committee of two on the part of the Senate, to join a committee of three on the part of the House, to make certain investigations in relation to the expenditure of the public funds since the adjournment of the Legislature.”

On motion of Mr. Speer the rule was suspended and the following bills of the House were taken up and severally read the first time, to wit :

A bill to exempt certain persons from jury and militia duty in the city of Americus, Sumter county, Georgia.

A bill to extend the time in which Tax Collectors shall make final settlement with the Comptroller General of the State of the tax collectable for the year 1868.

The rule was suspended and the following bill of the House was taken up and read the second time and referred to the Committee on Internal Improvements, to wit :

A bill to amend the charter of the Macon & Western Railroad Company.

The rule was further suspended and the following bill was taken up and read the second time and referred to the Committee on Internal Improvements, to wit :

A bill to authorize the consolidation of the Charlotte & South Carolina Railroad Company and the Columbia & Augusta Railroad Company, and amending the charter thereof.

On motion of Mr. Holcombe the rule was further suspended and the Senate took up the message of the House on the resolution “ That the State Treasurer pay the members and officers of the General Assembly three-fourths of what may be due them from time to time.

On motion the resolution was concurred in.

The Senate then resumed the unfinished business of yesterday, the same being the report of the special joint committee appointed to investigate the claim of G. H. Penfield, agent Sharpe's Rifle Manufacturing Company, against the State of Georgia.

Mr. Nunnally having the floor proposed to submit the opinions of the Honorables Mr. Akerman and Stephens upon the question pending.

Mr. Burns raised the point of order that it was not legitimate to introduce the opinions of gentlemen outside the Senate.

The Chair decided that it was competent to allow the opinions read, provided the gentleman (Mr. Nunnally) desired to submit the same as part of his argument.

Mr. Burns appealed from the decision of the Chair.

The Chair put the question before the Senate, and was sustained.

After debate Mr. Smith of the 7th District called for the previous question, which being sustained, the main question was ordered upon the adoption of the report and accompanying resolution; whereupon the yeas and nays were required to be recorded, and are yeas 11, nays 21.

Those voting in the affirmative are—

Messrs. Griffin 6th, Hungerford, Jordan, McWhorter, Nunnally, Sherman, Smith 7th, Smith 36th, Speer, Welch, Mr. President.

Those voting in the negative are—

Messrs. Adkins, Anderson, Bowers, Brock, Burns, Candler, Corbitt, Dickey, Fain, Gignilliat, Graham, Harris, Holcombe, Jones, Lester, McArthur, McCutchen, Moore, Nesbitt, Wellborn, Winn.

So the report of the committee was disagreed to, and the resolution accompanying the same was lost.

Mr. Nunnally gave notice that he would move a reconsideration on to-morrow for the purpose of amending the resolution accompanying the report.

The Senate then took up the special order for the day, the same being the resolution, as offered by Mr. Wellborn,

providing for the appointment of a committee of three, to be composed of Hons. Joseph E. Brown, J. R. Parrott and Alexander H. Stephens, to proceed to Washington City, &c.

On motion the same was made the special order for to-morrow morning, immediately after the reading of the Journal.

On motion the Senate took up the veto message of his Excellency the Governor on the act to authorize jurors to be drawn for the January term 1869, and subsequent terms of the Superior Courts of Chatham county, and for other Superior Courts and City Courts which may be without juries drawn according to law.

After debate Mr. Winn moved that the bill do pass, the veto of his Excellency the Governor to the contrary notwithstanding, and pending further action, the hour having arrived, the President announced the Senate adjourned until to-morrow morning at ten o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Thursday, February 4, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Prettyman.

The roll was called and the Journal of the previous day read and approved.

Mr. Nunnally, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the report and accompanying resolution of the joint committee appointed to investigate the claim of G. H. Penfield, agent Sharpe's Rifle Manufacturing Company, against the State of Georgia.

After debate Mr. Burns called for the previous question, which being sustained, the main question was ordered upon the motion to reconsider, which was agreed to.

Mr. Nunnally then moved to lay the report and accom-

panying resolution on the table for the present, which motion was agreed to.

The Senate then resumed the unfinished business of yesterday, the same being the veto of his Excellency the Governor on the bill to authorize jurors to be drawn for the January term 1869, and subsequent terms of the Superior Courts of Chatham county, &c.

After debate Mr. McArthur called for the previous question, which being sustained, the main question was ordered upon the motion of Mr. Winn, and upon the question "shall this bill now pass, the veto of his Excellency the Governor to the contrary notwithstanding?" a constitutional majority being required to pass the same, the yeas and nays were required to be recorded, and are yeas 19, nays 15.

Those voting in the affirmative are—

Messrs. Adams, Anderson, Burns, Candler, Fain, Gignilliat, Graham, Hinton, Holcombe, Jordan, Lester, McArthur, McCutchen, McWhorter, Moore, Nesbit, Nunnally, Wellborn, Winn.

Those voting in the negative are—

Messrs. Adkins, Brock, Colman, Corbitt, Dickey, Griffin 6th, Harris, Hungerford, Jones, Richardson, Sherman, Smith 7th, Speer, Stringer, Welch.

So the veto of his Excellency was sustained, and the bill was lost.

The Senate then took up the special order for the day, the same being the resolution, as offered by Mr. Wellborn, providing for the appointment of a committee, composed of the Honorables Joseph E. Brown, J. R. Parrott and Alexander H. Stephens, to proceed to Washington City, &c.

Mr. Jordan offered the following as a substitute, to wit:

"Resolved by the Senate and House of Representatives of the State of Georgia, That, in view of the discrepancy of opinions existing as to the right of the colored citizens of this State to hold office under the Constitution and laws thereof, and it being the earnest desire of this Legislature that an early and direct decision of the question may be made by the Supreme Court.

Resolved further, That this Legislature disclaims all desire or intention to deny to any citizen of this State any political right or franchise to which he may be entitled under the Constitution and laws of this State, or of the United States, and that it will abide by and acquiesce in such judicial decision as the said court may pronounce.

Mr. Colman offered the following as an amendment to come in after the preamble in the resolution as offered by Mr. Wellborn, to wit :

Resolved, That the resolution adopted by this body during its last session by which its colored members, on account of their color alone, were declared ineligible to seats in this body, and expelled therefrom, and the whites who received the next highest number of votes seated in their stead, be, and the same are hereby, rescinded, and the colored members thus deprived of their seats are hereby declared eligible thereto, and entitled to resume their seats at once.

Resolved further, That those white men who were thus seated shall at once vacate the same, and the Secretary of the Senate is hereby prohibited from calling their names as members of this body, but will expunge the same from the roll and at once enter and call the names of the said colored members in lieu thereof.

After debate Mr. Wellborn moved to withdraw his resolution ; whereupon the yeas and nays were required to be recorded, and are yeas 24, nays 10.

Those voting in the affirmative are—

Messrs. Adams, Anderson, Burns, Candler, Corbitt, Fain, Gignilliat, Graham, Griffin 6th, Hinton, Holcombe, Jordan, Lester, McArthur, McCutchen, McWhorter, Moore, Nesbitt, Nunnally, Smith 7th, Smith 36th, Speer, Welch, Winn.

Those voting in the negative are—

Messrs. Adkins, Brock, Colman, Dickey, Harris, Hungerford, Jones, Richardson, Sherman, Stringer.

So the resolution was withdrawn.

Mr. McCutchen, from the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following resolution :

A resolution that the State Treasurer pay the members and officers of the General Assembly three-fourths of what may be due them from time to time.

B. R. McCUTCHEN, Chairman *pro tem*.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bills, to wit :

A bill to be entitled "an act to prevent hunting with fire-arms or dogs in the counties of Terrell, Baker, Calhoun and others in this State, on the lands of others, without first obtaining permission of the owners thereof."

Also, a bill to be entitled "an act to create a board of commissioners of roads and revenue in the several counties in this State."

Senators Adams, Bowers, Jordan and Nunnally were granted leave of absence for a few days.

Mr. Fain presented a memorial from Jane L. Mitchell, which was taken up and read.

Mr. Fain then offered the following resolution, which was taken up, read and adopted, to wit :

Resolved by the Senate and House of Representatives of the State of Georgia, That the memorial of Mrs. Jane L. Mitchell, administratrix of Samuel Mitchell, be referred to a special committee of five from the Senate and nine from the House, and that said committee report by bill, resolution or otherwise.

The Chair announced as the committee under the foregoing, on the part of the Senate, Messrs. Fain, Nunnally, Speer, McWhorter and Wellborn.

On motion the Secretary was directed to transmit the

action of the Senate on the foregoing resolution forthwith to the House of Representatives.

On motion the Senate took up the message of the House on the resolution "That the Comptroller General be at once directed and required to order the balance due on the Convention tax collected."

Mr. Holcombe offered the following amendment, which was agreed to, to wit:

Strike out the word "order" in the third line and insert the word "have," and add the following at the end of the resolution, to wit: "And all powers necessary to enforce the speedy collection of said tax are hereby given him."

On motion of Mr. Holcombe the resolution as amended was concurred in, and the Secretary directed to transmit the same forthwith to the House of Representatives.

The following bills were introduced and severally read the first time, to wit:

By Mr. McCutchen—

A bill to amend the several acts incorporating the town of LaFayette.

By Mr. Candler—

A bill to incorporate the Georgia Importing Guano Company.

By Mr. Hinton—

A bill to repeal an act to provide for the election of a superintendent of public roads and bridges, so far as it relates to the county of Muscogee, approved March 10, 1866.

By Mr. Moore—

A bill to carry into effect the report of the special committee on the accounts of the late Treasurer and Comptroller General.

By Mr. Gignilliat—

A bill to declare the buying or selling of cotton in the seed unlawful, and any person or persons buying the same guilty of a misdemeanor, and to prescribe the punishment for the offense.

By Mr. Smith of the 7th—

A bill for the relief of J. R. S. Davis, of Thomas county

Also, a bill to authorize Josiah J. Everett to settle with his ward, Charles E. Platt.

Mr. Smith of the 36th offered the following resolution, which was taken up, read and adopted, to wit :

Resolved, That the reporter of the Macon Telegraph be allowed a seat on this floor.

Mr. Welch offered the following resolution, which was taken up and read and referred to the Finance Committee, to wit :

Resolved, That his Excellency the Governor have, at the expense of the State, prepared and transmitted to Mr. George Peabody, a gold medal, to be made of gold taken from the mines of this State, with suitable inscriptions, as a token of our grateful appreciation of his munificent donation to the Southern States for educational purposes.

On motion of Mr. Burns the following bill of the House, which had been referred to the Committee of the Whole, was taken up and re-committed to the Judiciary Committee, to wit :

A bill to authorize the Governor to draw his warrant for the payment of the balance due D. W. Kolbe and Byrd & Kolbe for artificial limbs furnished maimed soldiers of the State, and appropriating money for the same.

Mr. Hinton offered the following resolution, which was taken up, read and adopted, to wit :

Resolved by the Senate and House of Representatives, That a joint committee of two from the Senate and three from the House be appointed, whose duty it shall be to examine the penal laws of this State, and report such amendments as in their judgment may be necessary, to the end that any and every species of crime in this State may be punished appropriately.

The Chair announced as the committee under the above, on the part of the Senate, Messrs. Hinton and Candler.

The following bills of the House were taken up and severally read the second time and referred to the Judiciary Committee, to wit :

A bill to amend an act to incorporate the town of Jones-

boro', in the county of Clayton, and an act amendatory thereof.

A bill to authorize the Clerks of the Superior Courts of this State to issue executions on judgments obtained in the Inferior and County Courts of this State in cases where the Clerks of said Inferior and County Courts have failed to do so.

A bill to amend section 3761 of the Code, and to construe section 3814 of same.

A bill to amend the garnishment laws of this State.

A bill to authorize W. A. Bass, administrator, and Ann M. Cozart, administratrix, of Hubbard W. Cozart, deceased, late of Fulton county, Georgia, to sell the personal property of said estate on the premises where said property may be.

A bill to provide for the election of Justices of the Peace and Constables throughout the State.

The following bill of the Senate was taken up and read the second time and referred to the Judiciary Committee, to wit :

A bill to amend the second section of an act, approved December the 15th, 1866, entitled an act to give landlords a lien upon the crops of tenants for stock, farming utensils, &c., and for other purposes.

The following bills of the House were taken up and severally read the second time and referred to the Finance Committee, to wit :

A bill to extend the time in which Tax Collectors shall make final settlements with the Comptroller General of the State of the taxes collectable for the year 1868.

A bill to authorize the Treasurers of White and Habersham counties to receive jury certificates for all dues to said counties.

A bill to define the true intent and meaning of section 3652 of the Code of Georgia.

The following bills of the House were taken up and severally read the second time and referred to the Committee of the Whole, to wit :

A bill to exempt certain persons from jury and militia duty in the city of Americus, Sumter county, Georgia.

A bill to consolidate and amend the several acts incorporating the town of Lumpkin, in the county of Stewart, and to grant certain privileges to the same.

The following bills of the House were taken up and read the second time and referred to the Committee on Agriculture and Manufactures, to wit :

A bill to apportion certain sections of roads to be worked by the employees of the Concord Manufacturing Company and thereby exempt them from general road duty.

A bill to remove obstructions from Bluff Creek, in the county of Pulaski, and Cedar Creek and Foalson Creek, in the county of Wilcox, and for other purposes therein mentioned.

A bill to incorporate the town of Trion, in the county of Chattooga.

A bill to incorporate the Americus Manufacturing Company and to confer certain powers and privileges thereon.

The following bills of the House were taken up and severally read the second time and referred to the Committee on New Counties and County Lines, to wit :

A bill to change the line between the counties of Irwin and Wilcox.

A bill to define the boundary line between the counties of Clay and Quitman.

A bill to change the line between the counties of Berrien and Irwin.

The following bill was introduced and read the first time, to wit :

By Mr. Lester—

A bill to explain an act to levy and collect a tax for the support of the government for the year 1868, and for other purposes.

Mr. Candler offered the following resolution, which was laid on the table, to wit :

WHEREAS, By sections 175 and 4715 of the Code of Georgia, there shall be a joint committee of the two branches

of the General Assembly on Finance and the Penitentiary ; therefore

Resolved by the Senate and House of Representatives, That the present standing committees of the Senate and the House of Representatives on Finance and on the Penitentiary are hereby constituted the joint committees of the said branches of this General Assembly on Finance and the Penitentiary.

Mr. Fain, chairman of the Committee on Petitions, made the following report :

Mr. President :

The Committee on Petitions, to whom was referred a petition for a new county to be formed out of the counties of Troup and Harris, in this State, and signed by a great number of citizens of that section of country desiring the new county, have had the same under consideration, and beg leave to return the petition without a report, and ask that it be referred to the Committee on New Counties and County Lines, to which a bill has been referred upon the same subject-matter.

On motion the report was taken up and adopted, and the petition alluded to in the report was referred to the Committee on New Counties and County Lines.

The Senate took up the bill to incorporate the Georgia Male and Female Mutual Life Insurance Company.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion of Mr. McArthur the Secretary was directed to transmit the above bill forthwith to the House of Representatives.

The following bill of the House was taken up and read the first time, to wit :

A bill to extend the charter of the Savannah Gas Light Company and the Augusta Gas Light Company.

The Senate took up from the table the bill to authorize William J. Avery, of the county of Meriwether, to peddle without license, and pending action on the same, the hour having arrived, the President declared the Senate adjourned until to-morrow morning at ten o'clock.

SENATE CHAMBER, ATLANTA, GA.,
Friday, February 5, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Smith, Honorable Senator from the 7th District.

The roll was called and the Journal of the previous day was read and approved.

Mr. Burns, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the resolution of Mr. Hinton, providing for the appointment of a joint committee, to be composed of two from the Senate and three from the House, to examine the penal laws of this State, &c.

After debate Mr. Fain called for the previous question, which being sustained, the main question was ordered on the motion to reconsider; whereupon the yeas and nays were required to be recorded and are yeas 20, nays 11.

Those voting in the affirmative are—

Messrs. Adkins, Brock, Burns, Corbitt, Dickey, Fain, Gignilliat, Griffin 6th, Holcombe, Jones, Lester, Merrill, McArthur, McWhorter, Sherman, Speer, Stringer, Wellborn, Welch, Winn.

Those voting in the negative are—

Messrs. Anderson, Candler, Graham, Hinton, Hungerford, McCutchen, Moore, Richardson, Smith 7th, Smith 36th, Wooten.

So the motion to reconsider prevailed.

Mr. Holcombe then moved to postpone the resolution indefinitely.

Mr. Hinton moved to amend by laying the same on the table, which was agreed to.

Mr. Candler, from the Committee on the Judiciary, made the following report :

Mr. President :

The Committee on the Judiciary, to whom were referred certain bills, recommend that the following do pass, to wit :

A bill to amend the city charter of Albany, Georgia.

A bill to alter and amend the several acts incorporating the city of Griffin.

A bill to amend an act to incorporate the town of Jonesboro', in the county of Clayton, and an act amendatory thereof.

A bill to provide for the election of Justices of the Peace and Constables throughout the State.

A bill to amend the second section of an act, approved December the 15th, 1866, entitled an act to give landlords liens upon the crops of tenants for stock, farming utensils, &c., and for other purposes, they recommend do pass with an amendment.

The following bill they report back without recommendation, to wit :

A bill for the selection of jurors in this State.

The following bill they recommend do pass, to wit :

A bill to authorize the Clerks of Superior Courts to issue executions on judgments obtained in the Inferior and County Courts of this State where the Clerks failed to do so.

They further recommend the passage of the following bills, with amendments, to wit :

A bill to amend section 4010 of Irwin's Revised Code.

A bill to declare the willful violation of a contract by employer or employee in agricultural pursuits a misdemeanor, and to prescribe a punishment for the same.

A bill to authorize either party in a possessory warrant to give notice of an intention to *certiorari*, and the same shall operate as a *supersedeas* for ten days.

The following bills they recommend do not pass, to wit :

A bill to authorize W A. Bass, administrator, and Ann M. Cozart, administratrix of Hubbard W Cozart, deceased, late of Fulton county, Georgia, to sell the personal property of said estate on the premises where said property may be.

A bill to amend section 3761 of the Code, and to construe section 3814 of the same.

A bill to change and amend the claim laws of this State.

A bill to regulate and define court contracts, &c., approved March 17, 1866.

A bill to authorize the Ordinaries of the counties of Spalding, Jasper, Morgan and Putnam to levy a tax to pay fifty per cent. of insolvent criminal costs accrued in said counties since the first day of June, 1865.

They recommend that the following bill do pass, to wit :

A bill to amend the garnishment law of this State.

The following bill they recommend do not pass, for the reason that a similar bill has been reported from the House, to wit :

A Senate bill to provide for the election of Justice of the Peace in the several militia districts in this State.

M. A. CANDLER, Chairman.

Mr. Sherman, chairman of the Committee on Printing, made the following report, which was taken up and adopted, to wit :

Mr. President :

Your committee, to whom was referred the question of advance pay of twenty-five hundred dollars to J. W. Burke for the printing of Journals and the laws, have had the same under consideration, and most respectfully submit their unanimous recommendation favorable thereto.

JOSIAH SHERMAN, Chairman.

On motion the same was ordered to be transmitted forthwith to the House of Representatives.

Mr. McCutchen, from the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following resolution, to wit :

A joint resolution ordering the balance of the Convention tax collected at once.

B. R. McCUTCHEN, Chairman *pro tem*.

Mr. Speer, from the Committee on Internal Improvements, made the following report :

Mr. President :

The Committee on Internal Improvements, to whom were referred certain bills, recommend the passage of the following, with amendments, to wit :

A bill to incorporate the Atlanta Water Works Company.

The bill to authorize the Governor to make contracts with the various railroad companies to which the State extended its aid at the last session, by providing for the endorsement of their bonds, to employ upon said roads a certain class of convicts now confined in the Penitentiary, they report back without recommendation.

The following bills they recommend do pass, to wit :

A bill to amend the charter of the Macon & Western Railroad Company.

A bill to authorize the consolidation of the Charlotte & South Carolina Railroad Company and the Columbia & Augusta Railroad Company, and amending the charter thereof.

A bill to incorporate the Atlanta Cotton Factory.

The following bill they recommend do not pass, to wit :

A bill to authorize the State to build a branch railroad from the Western & Atlantic Railroad at Kingston, in Bartow county, to the town of Van Wert, in Polk county, to be exclusively the property of the State.

T. J. SPEER, Chairman.

Mr. Smith of the 36th, chairman of the Committee on New Counties and County Lines, made the following report :

Mr. President :

Your committee, to whom was referred a bill to be entitled an act amendatory of an act, approved February 14, 1854, entitled an act to change the lines between the fourth and sixth district of Troup county, and to change the lines between certain counties therein mentioned, so far as regards the lines between the counties of Talbot and Meriwether, and to define the same, and for other purposes, have had the same under consideration, and recommend the same do not pass.

Also, a bill to be entitled an act to lay off and organize a new county out of the counties of Pike, Monroe and Upson, to be called ——— county, and attach the same to the Flint Judicial Circuit and Fourth Congressional District, which they recommend do pass.

W. C. SMITH, Chairman.

Mr. McCutchen, from the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following joint resolution, to wit :

A joint resolution that the sum of twenty-five hundred dollars be advanced to J. W. Burke, State Printer for 1868.

B. R. McCUTCHEN, Chairman *pro tem*.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bill, and I am ordered to transmit the same forthwith to the Senate, to wit :

A bill to amend an act entitled an "act to define the qualifications of voters at the elections to be held in the city of Columbus for Mayor and Aldermen, and other officers in said city, whose election is given to said voters by law, and to provide for the registry of all persons entitled to vote at elections for city officers, &c., assented to April 14, 1863;" and also to provide for the holding of a special election in said city, and also the city of Milledgeville, in this State, for the election of officers for the year 1869.

On motion the rule was suspended, and Mr. Speer offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That seats be tendered by this Senate to Hon-
orables David A. Vason, of Dougherty county, and David
W. Lewis, Secretary of the State Agricultural Society, of
Hancock county.

The Senate then took up the unfinished business of yesterday, the same being the bill to allow William J Avery, of the county of Meriwether, to peddle without license.

After debate the previous question was called, and being sustained, the main question was ordered upon the passage of the bill; whereupon the yeas and nays were required to be recorded, and are yeas 20, nays 11.

Those voting in the affirmative are—

Messrs. Anderson, Burns, Candler, Dickey, Fain, Gignilliat, Griffin 6th, Hinton, Hungerford, Jones, Lester, McCutchen, McWhorter, Moore, Richardson, Smith 7th, Smith 36th, Speer, Wellborn and Wooten.

Those voting in the negative are—

Messrs. Adkins, Brock, Colman, Corbitt, Graham, Holcombe, Merrill, Sherman, Stringer, Welch and Winn.

So the bill was passed.

Mr. Brock gave notice that he would move to reconsider the action of the Senate on the foregoing bill to-morrow morning.

On motion the rule was suspended and the following bills were introduced and severally read the first time, to wit:

By Mr. Speer—

A bill to alter and amend section 3496 of Irwin's Revised Code in reference to garnishments, by adding to said section the words "unless their daily wages exceed two dollars per day, their weekly wages twelve dollars per week, and their monthly wages fifty dollars per month."

By Mr. Anderson—

A bill to incorporate the Atlanta Manufacturing Company.

By Mr. Richardson—

A bill to increase the fees of James L. Howell, Constable in the county of Lumpkin.

On motion the rule was further suspended, and Mr. Moore offered the following resolution, which was lost, to wit:

Resolved, That no Senator shall be allowed to speak longer than fifteen minutes on the same subject without the consent of the Senate.

On motion of Mr. Speer the hour of adjournment was extended to two o'clock for this day.

Leave of absence was granted to Senators Anderson, Harris and Higbee for a few days.

The Senate took up the bill to declare the willful violation of a contract by employer or employee in agricultural pursuits a misdemeanor, and to prescribe a punishment for the same.

The Judiciary Committee, to whom this bill was referred, reported the same back, with the recommendation that it do pass with the following amendment, to wit:

Strike out the first section and insert the following in lieu thereof, to wit:

Be it enacted by the General Assembly of Georgia, That from and after the passage of this act the willful violation of a written contract, signed by the contracting parties, or the refusal to perform the same, by any employer or employee engaged in agricultural pursuits as between themselves, shall be held and deemed a misdemeanor, and upon conviction thereof such employer or employee so offend-

ing shall be punished as prescribed in section 4608 of the Revised Code of Georgia.

Section 2d repeals conflicting laws.

Mr. Adkins moved to disagree to the report of the committee.

After debate Mr. Smith of the 7th District called for the previous question, which being sustained, the main question was ordered upon the motion of Mr. Adkins to disagree to the report of the committee; whereupon the yeas and nays were required to be recorded, and are yeas 13, nays 15.

Those voting in the affirmative are—

Messrs. Adkins, Brock, Colman, Corbitt, Dickey, Holcombe, Jones, Richardson, Sherman, Smith 7th, Speer, Stringer and Winn.

Those voting in the negative are—

Messrs. Anderson, Burns, Candler, Fain, Gignilliat, Hinton, Lester, Merrill, McArthur, McCutchen, McWhorter, Moore, Smith 36th, Wellborn and Wooten.

So the report of the committee was not disagreed to.

The report of the committee was then agreed to, and upon the question "shall this bill as amended now pass," the yeas and nays were required to be recorded, and are yeas 15, nays 13.

Those voting in the affirmative are—

Messrs. Anderson, Burns, Candler, Fain, Gignilliat, Hinton, Lester, Merrill, McArthur, McCutchen, McWhorter, Moore, Smith 36th, Wellborn and Wooten.

Those voting in the negative are—

Messrs. Adkins, Brock, Colman, Corbitt, Dickey, Holcombe, Jones, Richardson, Sherman, Smith 7th, Speer, Stringer and Winn.

So the bill as amended was passed.

Mr. Speer gave notice that he would move to reconsider the action of the Senate on the foregoing bill on to-morrow morning.

On motion the Senate adjourned until to-morrow morning at ten o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Saturday, February 6, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Hinton, Honorable Senator from the 24th District.

The roll was called and the Journal of the previous day read and approved.

Mr. Speer, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to declare the willful violation of a contract by employer or employee in agricultural pursuits a misdemeanor, and to prescribe a punishment for the same, &c.

After debate Mr. Holcombe called for the previous question, which being sustained, the main question was ordered upon the motion to reconsider; whereupon the yeas and nay swere required to be recorded, and are yeas 15, nays 17.

Those voting in the affirmative are—

Messrs. Adkins, Brock, Colman, Corbitt, Dickey, Graham, Holcombe, Hungerford, Jones, Richardson, Sherman, Smith 7th, Speer, Stringer, Welch.

Those voting in the negative are—

Messrs. Burns, Candler, Fain, Gignilliat, Griffin 6th, Hinton, Lester, Merrill, McArthur, McCutchen, McWhorter, Moore, Nunnally, Smith 36th, Wellborn, Winn, Wooten.

So the motion to reconsider was lost.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following "resolution," which I am requested to transmit at once to the Senate, to wit:

A resolution "referring the question of the colored man's right to hold office in Georgia to the Supreme Court of the State."

On motion the rules were suspended, and the Senate took up the message of the House on the resolution referring the question of the colored man's right to hold office in the State of Georgia to the Supreme Court of the State.

Mr. Speer offered the following amendment, to wit :

Resolved, That we, the members of each branch of the General Assembly, pledge ourselves to abide the decision of the Supreme Court as to the eligibility of colored persons to hold office in this State ; and should said court decide colored persons entitled to hold office in this State, we pledge ourselves to re-seat the colored members expelled from each branch of the General Assembly at its last session on account of color.

Be it further resolved, That each and every member and officer, including every subordinate clerk in each branch of the General Assembly, whose disabilities have not been removed by Congress, shall, within two days after the adoption of this resolution, answer under oath, in writing, in the shape of an affidavit, the following interrogatories :

1st. Did you, prior to the recent rebellion, hold any office or appointment, either civil or military, under the United States Government, or any State or county thereof, and if so, what was it ?

2d. Were you, prior to the late rebellion, a member of Congress, or of any State Legislature ?

3d. Were you in the Confederate army, or in any way connected with it, by detail or otherwise ?

4th. Did you hold any office or appointment, or were you in detailed service, either civil or military, under the Confederate Government, or any State or county thereof, during the late rebellion, and if so, what ?

5th. Were you in the army of the rebellion as militia officer or private during the late war ?

6th. Did you subscribe or donate any cotton or other produce, gun, horse, clothing, money or other article of value, to any Confederate soldier or soldiers, and if so, what ?

And the President of the Senate, as well as the Speaker

of the House of Representatives, are hereby authorized and empowered to administer oaths to the members, officers and subordinate clerks of each branch of the General Assembly, administering oaths and propounding questions in their respective Houses; and when taken, they shall be immediately forwarded to the chairmen of the Reconstruction Committees of Congress, that the true status of members, officers and subordinate clerks may be known by Congress.

But those members, officers and subordinate clerks of each branch of the General Assembly, who shall answer the first two interrogatories in the negative, shall not be required to make the written affidavit.

After debate Mr. Candler moved that the Senate do now concur in the resolution as received from the House, and called for the previous question.

After debate the question was put, and the call for the previous question was not sustained, which action, under the rules, disposed of the matter for the day.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President :

The House of Representatives has passed the following bills, to wit :

A bill to carry into effect the second clause of the 13th section of the 5th article of the Constitution.

Also, a bill to authorize the Ordinary of Fulton county to issue bonds to raise money to meet outstanding bonds issued by the Inferior Court of said county in 1865 and 1866.

Mr. Merrill, from the Committee on the Judiciary, made the following report :

Mr. President :

The Judiciary Committee, to whom was referred the bill of the House of Representatives, together with certain amendments from the Senate, have had the same under consideration, and recommend that the same do pass with

the following amendments, to wit : To add the following counties to the first section, viz : "Stewart, Webster, Houston, Lowndes, Liberty and McIntosh," and by adding the following as a proviso after the word "court" in the same section : "*Provided*, that this act shall not take effect until the first day of May next."

The following bill they report back without recommendation, to wit :

A bill to amend an act to give landlords liens upon the crops of tenants, and for other purposes, approved March 16, 1866.

They recommend that the following bills do pass, to wit :

A bill to amend an act entitled an act to enable parties having claims against the Nashville and Chattanooga Railroad Company, in the State of Georgia, to perfect service upon said company, and for other purposes, assented to December 20, 1860.

A bill to authorize the Governor to draw his warrant for the payment of the balance due D. W. Kolbe and Byrd & Kolbe for artificial limbs furnished maimed soldiers of the State, and appropriating money for the same.

A bill to change the manner of directing bench warrants in this State, and for other purposes.

W. W. MERRILL, Chairman.

Mr. Smith of the 36th District, from the Committee on New Counties and County Lines, made the following report :

Mr. President :

The Committee on New Counties and County Lines, to whom was referred a bill to change the line between the counties of Berrien and Irwin, have had the same under consideration, and recommend that the same do pass.

They have had under consideration the following bills, which they recommend do pass, to wit :

A bill to define the boundary line between the counties of Clay and Quitman.

A bill to amend an act to change the line between the counties of Irwin and Wilcox.

W. C. SMITH, Chairman.

On motion of Mr. Wellborn the rule was suspended, and the Senate took up the bill of the House to authorize the Governor to draw his warrant for the payment of the balance due D. W. Kolbe and Byrd & Kolbe for artificial limbs furnished maimed soldiers of this State, and appropriating money for the same.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion of Mr. Burns the Secretary was directed to transmit the foregoing bill forthwith to the House of Representatives.

The rule was further suspended, and the following bills of the House were taken up and read the first time, to wit:

A bill to amend an act entitled an act to define the qualifications of voters at the elections to be held in the city of Columbus for Mayor and Aldermen, and other officers in said city whose election is given to said voters by law, and to provide for the registry of all persons entitled to vote at elections for city officers, &c., assented to April 14, 1863; and also to provide for the holding of a special election in said city; and also the city of Milledgeville, in this State, for the election of officers for the year 1869.

A bill to create a board of commissioners of roads and revenue in the several counties in this State.

A bill to prevent hunting with fire-arms or dogs in the counties of Terrell, Baker, Calhoun and others in this State, on the lands of others, without first obtaining permission of the owners thereof.

A bill to incorporate the Desoto Manufacturing Company, in the county of Floyd.

A bill for the relief of William Johnson & Son and George J. Lewis, of the county of Upson.

A bill to **change the times** of holding the Superior Courts of the Southern Circuits, and to draw and summon separate panels of jurors for each week of said courts, in the counties of Thomas and Brooks and other counties.

A bill to relieve from jury duty members of the Watchful Fire Company number one, at Cuthbert, Georgia.

A bill to carry into effect the second clause of the 13th section of the 5th article of the Constitution.

A bill to authorize the Ordinary of Fulton county to issue bonds to raise money to meet outstanding bonds issued by the Inferior Court of said county in 1865 and 1866.

The rule was further suspended, and the Senate took up the bill of the House to amend the charter of the Macon & Western Railroad Company.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion of Mr. Smith of the 7th District the Secretary was directed to transmit the same forthwith to the House of Representatives.

On motion the rule was further suspended, and the Senate took up the bill to authorize the consolidation of the Charlotte & South Carolina Railroad Company and the Columbia & Augusta Railroad Company, and amending the charter thereof.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion the Secretary was directed to transmit the same forthwith to the House of Representatives.

On motion of Mr. Merrill the following bill was taken up and recommitted to the Committee on New Counties and County Lines, to wit:

A bill amendatory of an act, approved February 14, 1854, entitled an act to change the lines between the fourth and sixth districts of Troup county, and to change the lines between certain counties therein mentioned, so far as regards the lines between the counties of Talbot and Meriwether, and to define the same, and for other purposes.

The following bills were taken up and severally read the second time and referred to the Judiciary Committee, to wit :

A bill to declare the buying or selling of cotton in the seed unlawful, and any person or persons buying the same guilty of a misdemeanor, and to prescribe the punishment for the offense.

A bill to increase the fees of James L. Howell, Constable in the county of Lumpkin.

A bill to alter and amend section 3496 of Irwin's Revised Code in reference to garnishment by adding to said section the words "unless their daily wages exceed two dollars per day, their weekly wages twelve dollars per week, and their monthly wages fifty dollars per month.

The following bills were taken up and severally read the second time and referred to the Finance Committee, to wit :

A bill to carry into effect the report of the special committee on the accounts of the late Treasurer and Comptroller General.

A bill to explain an act to levy and collect a tax for the support of the government for the year 1868, and for other purposes.

The following bills were taken up and read the second time and referred to the Committee of the Whole, to wit :

A bill to authorize Josiah J. Everett to settle with his ward, Charles E. Platt.

A bill to repeal an act to provide for the election of a superintendent of public roads and bridges, so far as it relates to the county of Muscogee, approved March 10, 1866.

A bill to incorporate the Georgia Importing Guano Company.

A bill to amend the several acts incorporating the town of LaFayette, &c.

A bill for the relief of J. R. S. Davis, of Thomas county.

A bill to extended the charter of the Savannah Gas Light Company and the Augusta Gas Light Company.

The following bill was taken up and read the second time and referred to the Committee on Agriculture and Manufactures, to wit:

A bill to incorporate the Atlanta Manufacturing Company.

On motion the rule was suspended, and the Senate took up the report of the Committee of the Whole on the bill of the House to consolidate and amend the several acts incorporating the town of Lumpkin, in the county of Stewart, and to grant certain privileges to the same.

The report of the committee was agreed to. The bill was read the third time and passed.

The rule was further suspended, and the Senate took up the report of the Committee of the Whole on the bill to exempt certain persons from jury and militia duty in the city of Americus, Sumter county, Georgia.

The report of the committee was agreed to. The bill was read the third time and passed.

The rule was further suspended, and the Senate took up the bill to amend an act entitled an act to enable parties having claims against the Nashville & Chattanooga Railroad Company, in the State of Georgia, to perfect service upon said company, and for other purposes, assented to December 20, 1860.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion the Secretary was directed to transmit the same forthwith to the House of Representatives.

Mr. Winn offered the following resolution, which was lost, to wit:

Resolved, That the Senate hold two sessions a day—one from 10 A. M. to 1 P. M., the other from 3 to 5 P. M.

On motion the rule was suspended, and the following bills were introduced and severally read the first time, to wit :

By Mr. Wooten—

A bill to authorize the Ordinaries of this State to pass orders for the foreclosure of mortgages on personalty, and for the enforcement of liens on crops.

By Mr. Winn—

A bill to fix the compensation of the members of the Legislature, and for other purposes.

On motion the rule was suspended, and the Senate took up the bill to incorporate the Atlanta Cotton Factory Company.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion of Mr. Adkins the Senate adjourned until Monday morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Monday, February 8, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. J. W. Parker, D. D., of Washington City.

The roll was called and the Journal of Saturday read and approved.

Mr. Merrill, from the Committee on the Judiciary, made the following report :

Mr. President :

The Judiciary Committee, to whom was referred a bill to define the qualification of voters at the election to be held

in the city of Columbus for Mayor and Aldermen, &c., have had the same under consideration and recommend that it do pass.

W W MERRILL, Chairman.

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tem.* thereof :

Mr. President :

The House of Representatives has passed the following bills, to wit :

A bill to change the times of holding the Superior Courts in the county of Cherokee.

A bill for the relief of A. Worrill, of the county of Upson.

A bill to change the line between the counties of DeKalb and Clayton.

A bill to change the time of holding the Superior Courts in the counties of Columbia, Washington, Johnson and Emanuel, of the Middle Circuit.

And have also concurred in the following Senate resolution, to wit :

A resolution "to refer the memorial of Mrs. Jane L. Mitchell to a special committee of five from the Senate and nine from the House," and have appointed Messrs. Sparks of Bibb, Gullatt of Fulton, Crawford of Bartow, Tweedy of Richmond, Cobb of Sumter, Carpenter of Hancock, Bethune of Talbot, Harper of Terrell, Darnell of Pickens, as the committee on the part of the House.

Mr. McCutchen, from the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following bill, to wit :

A bill to be entitled an act to authorize the Governor to draw his warrant for the payment of the balance due D. W Kolbe and Byrd & Kolbe for artificial limbs furnished

maimed soldiers of the State, and appropriating money for the same.

B. R. McCUTCHEN, Chairman *pro tem*.

On motion of Mr. Hungerford the Senate resumed the unfinished business of Saturday, the same being the resolution of the House, and the amendment of Mr. Speer thereto, referring the question of the colored man's right to hold office in the State of Georgia to the Supreme Court of the State.

The main question was ordered upon the adoption of the amendment as proposed by Mr. Speer.

Mr. Smith of the 36th District called for a division of the resolution, so as to allow the vote to be first taken on that part of the same pledging acquiescence in the decision of the Court.

The division was allowed and the vote ordered to be taken on the first section of the amendment; whereupon the yeas and nays were required to be recorded, and are yeas 13, nays 19.

Those voting in the affirmative are—

Messrs. Adkins, Brock, Colman, Corbitt, Dickey, Harris, Hungerford, Jones, Richardson, Sherman, Speer, Stringer, Welch.

Those voting in the negative are—

Messrs. Burns, Candler, Fain, Graham, Griffin 6th, Griffin 21st, Hicks, Hinton, Lester, Merrill, McCutchen, McWhorter, Moore, Nunnally, Smith 7th, Smith 36th, Wellborn, Winn, Wooten.

So the first section of the amendment was not agreed to.

The question was then put upon the remaining part of the amendment; whereupon the yeas and nays were required to be recorded, and are yeas 12, nays 20.

Those voting in the affirmative are—

Messrs. Adkins, Brock, Colman, Corbitt, Dickey, Harris, Hungerford, Jones, Sherman, Speer, Stringer, Welch.

Those voting in the negative are—

Messrs. Burns, Candler, Fain, Graham, Griffin 6th, Griffin 21st, Hicks, Hinton, Lester, Merrill, McCutchen,

McWhorter, Moore, Nunnally, Richardson, Smith 7th, Smith 36th, Wellborn, Winn, Wooten.

So the amendment of Mr. Speer was lost.

The question then recurred upon the motion of Mr. Candler to concur in the resolution as received from the House; whereupon the yeas and nays were required to be recorded, and are yeas 19, nays 12.

Those voting in the affirmative are—

Messrs. Adkins, Candler, Corbitt, Fain, Graham, Griffin 6th, Griffin 21st, Hicks, Hungerford, Jones, Lester, McCutchen, Moore, Richardson, Smith 7th, Smith 36th, Speer, Wellborn, Winn.

Those voting in the negative are—

Messrs. Brock, Burns, Colman, Dickey, Harris, Hinton, Merrill, McWhorter, Sherman, Stringer, Welch, Wooten.

So the resolution of the House was concurred in.

Mr. Merrill gave notice that he would move to reconsider the action of the Senate on the foregoing resolution on to-morrow morning.

The following bills were introduced and severally read the first time, to wit:

By Mr. Lester—

A bill to incorporate the Planters' Accommodation Line Steamboat Company.

By Mr. Hinton—

A bill to incorporate the Tazwell Manufacturing Company, in the county of Marion.

Also, a bill to incorporate the Georgia Baptist Aid Society.

By Mr. Wooten—

A bill to amend the fourth section of an act entitled an act for the relief of debtors, &c.

By Mr. Fain—

A bill to change the lines between the counties of Bartow and Gordon.

By Mr. Candler—

A bill to amend section 3496 of Irwin's Code in relation to garnishments.

By Mr. Brock—

A bill to authorize and require each county in this State to pay the expense of conveying persons sentenced to labor in the Penitentiary, and for other purposes.

By Mr. Smith of the 36th—

A bill to prevent stock from running at large under certain circumstances.

By Mr. Merrill—

A bill to alter section 3652 of the Code.

Also, a bill to prohibit Ordinaries from granting letters of administration in certain cases.

By Mr. Wellborn—

A bill to establish a real estate bank to encourage agriculture and the manufacture of cotton and wool in the State of Georgia.

Also, a bill to amend an act entitled an act for the relief of debtors, passed in 1868.

The following bills of the House were taken up and severally read the first time, to wit :

A bill to change the times of holding the Superior Courts in the county of Cherokee.

A bill to change the line between the counties of DeKalb and Clayton.

A bill for the relief of A. Worrill, of the county of Upson.

A bill to change the times of holding the Superior Courts in the counties of Columbia, Washington, Johnson and Emanuel, of the Middle Circuit.

The following bills of the House were taken up and severally read the second time and referred to the Judiciary Committee, to wit :

A bill to change the times of holding the Superior Courts of the Southern Circuits, and to draw and summon separate panels of jurors for each week of said courts in the counties of Thomas and Brooks, and other counties.

A bill to amend an act entitled an act to define the qualifications of voters at the election to be held in the city of Columbus for Mayor and Aldermen, and other officers

in said city whose election is given to said voters by law, and to provide for the registry of all persons entitled to vote at elections for city officers, &c., assented to April 14, 1863, and also to provide for the holding of a special election in said city; also, the city of Milledgeville, in this State, for the election of officers for the year 1869.

A bill to create a board of commissioners of roads and revenue in the several counties in this State.

A bill to relieve from jury duty members of the Watchful Fire Company No. 1, at Cuthbert, Georgia.

A bill to carry into effect the second clause of the 13th section of the 5th article of the Constitution.

The following bill of the House was taken up and read the second time and referred to the Finance Committee, to wit:

A bill for the relief of William Johnson & Son and George J. Lewis, of the county of Upson.

The following bill of the House was taken up and read the second time and referred to the Committee on Internal Improvements, to wit:

A bill to prevent hunting with fire-arms or dogs in the counties of Terrell, Baker, Calhoun and others, without first obtaining permission of the owners thereof.

The following bill of the House was taken up and read the second time and referred to the Committee of the Whole, to wit:

A bill to authorize the Ordinary of Fulton county to issue bonds to raise money to meet outstanding bonds issued by the Inferior Court of said county in 1865 and 1866.

The following bill of the House was taken up and read the second time and referred to the Committee on Agriculture and Manufactures, to wit:

A bill to incorporate the Desoto Manufacturing Company, in the county of Floyd.

Mr. Wooten offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That hereafter it shall be a rule of the Senate

that if the motion for the previous question is decided in the negative, the proceedings shall go on as if the motion for the previous question had not been made.

The following bill was taken up and read the second time and referred to the Judiciary Committee, to wit:

A bill to authorize the Ordinaries of this State to pass orders for the foreclosure of mortgages on personalty, and for the enforcement of liens on crops.

The following bill was taken up and read the second time and referred to the Finance Committee, to wit:

A bill to fix the compensation of the members of the Legislature, and for other purposes.

Mr. Adkins offered the following resolution, to wit:

Resolved, That the resolution adopted by this body during its last session—by which its colored members were, on account of their color alone, declared ineligible to seats in this body, and expelled therefrom, and the whites who received the next highest number of votes were seated in their stead—be and the same are hereby rescinded, and the colored members thus deprived of their seats are hereby declared eligible thereto, and entitled to resume their seats at once.

Resolved further, That those white men who were thus seated shall at once vacate their seats, and the Secretary of the Senate is hereby prohibited from calling their names as members of this body, but will expunge their names from the roll, and at once enter and call the names of the said colored members in lieu thereof.

After debate Mr. Lester moved to postpone the resolution indefinitely.

Mr. Candler then called for the previous question, which being sustained, the main question was ordered upon the motion to postpone indefinitely; whereupon the yeas and nays were required to be recorded, and are yeas 18 and nays 10.

Those voting in the affirmative are—

Messrs. Burns, Candler, Fain, Graham, Griffin 6th, Griffin 21st, Hicks, Hinton, Holcombe, Lester, McCutchen,

McWhorter, Moore, Nunnally, Smith 7th, Wellborn, Winn, Wooten.

Those voting in the negative are—

Messrs. Adkins, Brock, Colman, Harris, Jones, Merrill, Richardson, Sherman, Stringer, Welch.

So the resolution was indefinitely postponed.

Mr. Adkins gave notice that he would move to reconsider the action of the Senate on the foregoing resolution on tomorrow morning.

Mr. McCutchen, chairman *pro tem.* of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following resolution :

A resolution to refer the memorial of Mrs. Jane L. Mitchell to a special committee of five from the Senate and nine from the House.

B. R. McCUTCHEN, Chairman *pro tem.*

The Senate took up the bill for the selection of jurors in this State.

The Judiciary Committee, to whom this bill was referred, reported the same back without recommendation.

On motion of Mr. Merrill the bill was laid on the table for the present.

The Senate took up the bill to regulate employers and employees.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do not pass.

Mr. Adkins moved to disagree to the report of the Committee, which motion was lost.

The report of the committee was then agreed to, and the bill was lost.

The Senate took up the bill to encourage the arrest of criminals by compensating therefor.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

Mr. Smith of the 7th District moved to disagree to the report of the committee, which motion was lost.

The report of the committee was then agreed to, and the bill was lost.

The hour having arrived, the President announced the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Tuesday, February 9, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Hinton, Honorable Senator from the 24th District.

The roll was called and the Journal of the previous day was read and approved.

Mr. Adkins asked leave to change his vote (as cast on yesterday in the affirmative) to the negative, on the proposition to concur in the House resolution referring the question of the colored man's right to hold office, &c., which was granted.

The following message was received from his Excellency the Governor through Mr. de Graffenried, his Secretary, to wit:

Mr. President:

The Governor has signed and approved the following resolution, to wit:

"A resolution to refer the memorial of Mrs. Jane L. Mitchell to a special committee of five from the Senate and nine from the House."

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tem.* thereof:

Mr. President:

The House of Representatives has passed the following bills of the Senate, to wit:

A bill to be entitled an act to regulate the issuing and serving of subpoenas in cases in Chatham Superior Court and the City Court of Savannah.

Also, a bill to be entitled an act to amend an act entitled an act to incorporate an insurance company in the city of Macon, to be called the "Cotton States' Life Insurance Company."

The House of Representatives has also passed the following bills of the Senate, with amendments, in which they ask the concurrence of the Senate:

A bill to be entitled an act to exempt from jury duty certain members of the "Germania Fire Company," the "Metropolitan Fire Company," and the "Marshall Hose Company," of the city of Savannah.

Also, a bill to be entitled an act to incorporate the "Atlanta Agricultural Implement Manufacturing Company."

All of which I am ordered to transmit forthwith to the Senate.

Mr. Merrill, from the Committee on the Judiciary, made the following report:

Mr. President:

The Judiciary Committee, to whom were referred the following bills, recommend they do not pass, to wit:

A bill to alter and amend section 3496 of Irwin's Code, in reference to garnishments, by adding to said section the words, "unless their daily wages exceed two dollars per day, their weekly wages twelve dollars per week, and their monthly wages fifty dollars per month.

A bill to increase the fees of James L. Howell, Constable, in the county of Lumpkin.

A bill to declare the buying or selling of cotton in the seed unlawful, and any person or persons buying the same guilty of a misdemeanor, and to prescribe the punishment for the offense.

A bill to increase the fees of jurors, and to make their compensation adequate for the services rendered.

The following bills they recommend do pass, to wit, being bills from the House of Representatives :

A bill to create a board of commissioners of roads and revenue in the several counties in this State.

A bill to relieve from jury duty members of the Watchful Fire Company No. 1, at Cuthbert, Georgia.

The following bill they report back without recommendation, to wit :

A bill to amend an act to change the time of holding the Superior Courts in the Coweta Circuit.

The bill to authorize the Ordinaries of this State to pass orders for the foreclosure of mortgages on personalty, and for the enforcement of liens on crops, they recommend do pass with an amendment.

The following bill from the House of Representatives, which has been under consideration, they recommend do pass, with certain amendments, to wit :

A bill to carry into effect the second clause of the 13th section of the 5th article of the Constitution.

W W MERRILL, Chairman.

Mr. McCutchen, chairman *pro tem.* of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate :

An act to amend the charter of the Macon & Western Railroad Company, which was assented to on the 29th of December, 1847, to allow an increase of the capital stock of said company ; to fix the rate of tax to be paid by the same, and for other purposes.

Also an act to consolidate and amend the several acts incorporating the town of Lumpkin, in the county of Stewart, and to grant certain privileges to the same.

Also, an act to exempt certain persons from jury and militia duty in the city of Americus, Sumter county, Georgia.

B. R. McCUTCHEX, Chairman *pro tem*.

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tem* thereof:

Mr. President:

The House of Representatives has passed the following bills, to wit:

A bill to carry into effect section 8th, article 2d, of the Constitution of this State.

A bill to create a new judicial circuit to be called the Rome Circuit; to change the boundaries of the Tallapoosa and Coweta Circuits; to change the name of the Coweta Circuit; to fix the time of holding courts in said circuits, and for other purposes.

Mr. Wooten, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the resolution of the House referring the question of the colored man's right to hold office in the State of Georgia to the Supreme Court of the State.

After debate Mr. Candler moved to lay the motion on the table; whereupon the yeas and nays were required to be recorded, and are yeas 13, nays 17

Those voting in the affirmative are—

Messrs. Candler, Corbitt, Fain, Graham, Griffin 6th, Harris, Hungerford, Jones, Lester, McCutchen, Moore, Richardson, Wellborn.

Those voting in the negative are—

Messrs. Adkins, Brock, Burns, Colman, Dickey, Griffin 21st, Hinton, Holcombe, Merrill, McWhorter, Nunnally, Sherman, Smith 36th, Speer, Stringer, Welch, Wooten.

So the motion to lay on the table did not prevail.

After debate, the hour having arrived, the President

announced the Senate adjourned until to-morrow morning at ten o'clock, Mr. Wellborn having the floor.

SENATE CHAMBER, ATLANTA, GA.,
Wednesday, February 10, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. J. W. Parker, D. D., of Washington City.

The roll was called and the Journal of the previous day was read and approved.

Mr. Harris, from the Committee on Finance, made the following report :

Mr. President :

The Committee on Finance, to whom was referred a bill to be entitled an act to extend the time in which Tax Collectors shall make final settlements with the Comptroller General of the State of the taxes collectable for the year eighteen hundred and sixty-eight, have had the same under consideration, and recommend that it do pass.

Also, a bill to be entitled an act to define the true intent and meaning of section 3652 of the Code of Georgia, which they recommend do not pass.

Also, a bill to be entitled an act authorizing the Treasurers of White and Habersham counties to receive jury certificates for all dues to said counties, which they recommend do not pass.

Also, a bill to be entitled an act to explain an act to levy and collect a tax for the support of the government for the year 1868, and for other purposes, which they recommend do not pass.

Also, a bill to be entitled an act for the relief of William Johnson & Son and George J. Lewis, of the county of Upson, which they recommend do not pass.

Also, a bill to be entitled an act to amend section (798) seven hundred and ninety-eight of the Code of Georgia by

striking out from said section the words "or bonds of the United States," which they recommend do not pass.

Also, a bill to fix the compensation of the members of the Legislature, and for other purposes, which they return without recommendation.

Also, a bill to be entitled an act to carry into effect the report of the Special Committee on the accounts of the late Treasurer and Comptroller General, which they recommend do not pass.

Also, a resolution that his Excellency the Governor have, at the expense of the State, prepared and transmitted to Mr. George Peabody a gold medal, to be made of gold taken from the mines of this State, with suitable inscriptions, as a token of our grateful appreciation of his munificent donation to the State for educational purposes, which they recommend do pass.

JOHN HARRIS, Chairman.

Mr. McCutchen, chairman *pro tem.* of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following acts, to wit:

An act to regulate the issuing and serving of subpoenas in cases in Chatham Superior Court and the City Court of Savannah.

Also, an act to amend an act entitled an act to incorporate an insurance company in the city of Macon, to be called the Cotton States' Life Insurance Company.

B. R. McCUTCHEN, Chairman *pro tem.*

The Senate resumed the unfinished business of yesterday, the same being the motion of Mr. Wooten to reconsider the action of the Senate (as had on Monday) on the resolution of the House referring the question of the colored man's right to hold office in the State of Georgia to the Supreme Court of the State.

After debate Mr. Wellborn called for the previous question, which was not sustained.

After debate the question was put upon the motion to reconsider ; whereupon the yeas and nays were required to be recorded, and are yeas 15, nays 18.

Those voting in the affirmative are—

Messrs. Adkins, Brock, Burns, Colman, Dickey, Griffin 21st, Holcombe, Jones, Merrill, McWhorter, Nunnally, Sherman, Stringer, Welch, Wooten.

Those voting in the negative are—

Messrs. Anderson, Candler, Collier, Fain, Graham, Griffin 6th, Harris, Hicks, Hungerford, Lester, McArthur, McCutchen, Moore, Richardson, Smith 36th, Speer, Wellborn, Winn.

So the motion to reconsider did not prevail.

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tem.* thereof:

Mr. President :

The House of Representatives has passed the following bill, and I am ordered to transmit the same forthwith to the Senate :

A bill to be entitled an act to alter and amend so much of section — of an act to levy and collect tax on circuses.

Mr. Adkins, in conformity with previous notice, moved to reconsider so much of the Journal of Monday as relates to the action of the Senate on the resolution, as offered by himself, to rescind the action of the Senate at its last session in relation to the eligibility of the colored members who were declared ineligible from color alone, and declaring said colored members eligible, and entitled to resume their seats at once, &c.

After debate Mr. Winn moved to lay the motion on the table, which was agreed to.

On motion the rule was suspended, and Mr. Nunnally introduced the following bill, which was taken up and read the first time, to wit :

A bill in relation to the statute of limitations, and for other purposes.

The rule was further suspended, and the following bill of the House was taken up and read the first time, to wit :

A bill to alter and amend so much of section — of an act to levy and collect taxes on circuses.

Senators Richardson, Stringer and Sherman were granted leave of absence for a few days.

On motion the rule was suspended, and the Senate took up the bill of the House to carry into effect the second clause of the 13th section of the 5th article of the Constitution.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass with the following amendments, to wit :

Insert the following as section 17, to wit :

SEC. 17 *Be it further enacted*, That for the purpose of supplying juries for the several Superior and City Courts in this State, which are now suspended for the want of proper juries, and for those whose times of holding may occur before the provisions of this act can be made available, that the respective Judges of said courts, or the Ordinary of the respective counties, together with the Clerk of said court and Sheriff of the county, be and they are hereby authorized from the jurors whose names are now in the grand and petit jury boxes of said courts (the said boxes to be consolidated, so as to make no classes) to draw such grand and petit jurors as may be necessary to serve as a grand inquest and for the trial of all causes, civil and criminal, in accordance with the Constitution and existing laws of this State, and all such tales jurors as may be necessary from time to time to complete said juries, and that the *venire* be made returnable to the approaching term of the said court or to such day of the term as the Judge may direct : *Provided*, That each regular juror so drawn shall be summoned at least two days before the court or the day appointed by the Judge, and that all verdicts and other acts done by such jurors shall be lawful and regular to all intents and

purposes: *Provided*, That this section shall not be construed to be in conflict with the fifteenth (15th) section; and the Judges of said courts, in their discretion, may avail themselves of the provisions of either of said sections; *And be it further Provided*, That the provisions of this section shall not be of force for the holding of any court whose term may commence after the first of June next.

They further propose to amend the sixth section by adding the following proviso, to wit: "*Provided*, That the Judge may, in his discretion, have special juries selected from the grand jury in the manner heretofore prescribed by law for the purpose of trying issues in civil cases."

The report of the committee was agreed to, and the bill as amended was read the third time and passed.

On motion of Mr. Smith of the 36th the rule was further suspended, and the following bill of the House was taken up and read the first time, to wit:

A bill to create a new judicial circuit to be called the Rome Circuit; to change the boundaries of the Tallapoosa and Coweta Circuits; to fix the time of holding court in said circuits, and for other purposes.

The hour having arrived, the President announced the Senate adjourned until to-morrow morning at ten o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Thursday, February 11, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. J. W. Parker, D. D., of Washington City.

The roll was called and the Journal of the previous day was read and approved.

Mr. Hinton requested permission of the Senate to allow him to have his vote recorded in the affirmative on the motion of Mr. Wooten, as made on yesterday, to reconsider the resolution of the House "referring the question of the colored man's right to hold office in the State of Georgia

to the Supreme Court of the State," which permission was granted.

Mr. Nunnally, chairman of the Committee of Internal Improvements, made the following report :

Mr President :

The committee, to whom was referred a bill to be entitled an act to prevent hunting with dogs in the counties of Terrell, Baker, Chatham and others, in this State, on the lands of others, without first obtaining permission of the owners thereof, have had the same under consideration, and recommend that it do pass.

A. D. NUNNALLY,
Chairman Committee.

Mr. McCutchen, chairman *pro tem.* of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following resolution :

A resolution referring the question of the colored man's right to hold office in Georgia to the Supreme Court of the State.

B. R. McCUTCHEN, Chairman *pro tem.*

Mr. Holcombe, chairman of the Committee on Agriculture and Manufactures, made the following report :

Mr. President :

The Committee on Agriculture and Manufactures have had under consideration the following bills, and make the following report upon—

A bill to be entitled an act to amend an act to incorporate the Savannah Gas Light Company and the Augusta Gas Light Company, approved December 14, 1849, and an act amendatory thereof, assented to December 13, 1862,

which the committee recommend do not pass, as a similar bill is before the Senate from the House.

A bill to be entitled an act to incorporate the Desoto Manufacturing Company, in the county of Floyd, which the committee recommend do pass.

A bill to apportion certain sections of roads to be worked by the employees of the Concord Manufacturing Company and thereby exempt them from general road duty, which the committee recommend do not pass.

A bill to be entitled an act to incorporate the town of Trion, in the county of Chattooga, which the committee recommend do pass.

A bill to be entitled an act to incorporate the Americus Manufacturing Company, and to confer certain powers and privileges thereon, which the committee recommend do pass with the following amendments: In the 7th section and 7th line, after the word "said," insert "unpaid," and strike out after the word "stock," "and all installments paid on it."

A. W. HOLCOMBE, Chairman.

Mr. Harris, from the Committee on Finance, made the following report :

Mr. President :

The Committee on Finance, to whom was referred a bill to be entitled an act to alter and amend so much of section — of an act to levy and collect tax on circuses, have had the same under consideration, and report the same back without recommendation.

JOHN HARRIS, Chairman.

The following message was received from his Excellency the Governor through Mr. de Graffenried, his Secretary, to wit :

Mr. President :

The Governor has signed and approved the following acts, to wit :

“An act to regulate the issuing and serving of subpoenas in cases in Chatham Superior Court and in the City Court of Savannah.”

Also, “an act to amend an act entitled an act to incorporate an insurance company in the city of Macon, to be called ‘The Cotton States’ Life Insurance Company.’”

On motion the Senate took up the message of the House on the bill to exempt from jury duty certain members of the Germania Fire Company, the Metropolitan Fire Company and the Marshall Hose Company, of the city of Savannah, to which the House proposed the following amendment, to wit: To add after the words “Marshall Hose Company,” the words “and the Rainbow Fire Company, of Rome, Georgia.”

On motion the amendment was concurred in and the Secretary directed to transmit the bill forthwith to the House of Representatives.

On motion of Mr. Hungerford the Senate took up the message of the House on the bill to incorporate the Atlanta Agricultural Implement Manufacturing Company to which the House proposed the following amendment, to wit: Strike out the words “ninety-nine,” and insert the word “twenty” in lieu thereof.

On motion the amendment was concurred in.

The following bills were introduced and severally read the first time, to wit:

By Mr. Conley—

A bill to incorporate the Augusta & Louisville Railroad Company, and to confer certain privileges and powers upon the same.

By Mr. Smith of the 36th District—

A bill to incorporate the Columbus & West Point Railroad Company.

By Mr. Brock—

A bill to require plaintiffs in *fi. fas.* to pay the fees for advertising all sales of lands to be made by them in advance.

By Mr. Wellborn—

A bill to prevent monopolies, and to tax certain railroad stock.

By Mr. Merrill—

A bill to change the county line between the counties of Carroll and Paulding.

By Mr. Harris—

A bill to extend and regulate the law of set-off and recoupment, and to authorize damages to be set-off in certain actions founded on contracts.

By Mr. Griffin of the 21st District—

A bill to change the line between the counties of Twiggs and Wilkinson, so as to include the lands and residence of Andrew Floyd, of Wilkinsen county, and the lands of W. H. Stokes, of said county, in the county of Twiggs.

Also, a bill to alter and amend an act entitled an act to organize a Criminal Court for each county of this State.

Also, a bill to amend an act to secure the proceeds, rents or profits arising from homesteads, and for other purposes.

By Mr. Candler—

A bill to require the official bonds of Ordinaries to be approved by the Clerks of the Superior Courts.

Also, a bill to authorize testators in wills to give to the executors named therein money or property, as they may wish, as a compensation for their services.

Also, a bill to exempt from the provisions of an act of the General Assembly of the State of Georgia, passed during the session of 1868, entitled an act for the relief of debtors, and for the adjustment of debts upon the principles of equity.

By Mr. McArthur—

A bill to incorporate the Darien Banking Company, and for other purposes.

Mr. Smith of the 36th District, in conformity with previous notice, moved to reconsider so much of the Journal of Monday as relates to the action of the Senate on the bill to encourage the arrest of criminals by compensating therefor.

After debate Mr. Harris moved to lay the motion on the table, which was agreed to.

The rule was suspended and the Senate took up the bill of the House to extend the time in which Tax Collectors shall make final settlements with the Comptroller General of the State of the taxes collectable for the year 1868.

The Finance Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion the Secretary was directed to transmit the same forthwith to the House of Representatives.

The rule was suspended and the following bills of the House of Representatives were taken up and severally read the second time and referred to the Judiciary Committee, to wit :

A bill to change the line between the counties of DeKalb and Clayton.

A bill to change the times of holding the Superior Courts in the county of Cherokee.

A bill to change the times of holding the Superior Courts in the counties of Columbia, Washington, Johnson and Emanuel, of the Middle Circuit.

The following bills of the House were taken up and severally read the second time, and referred to the Finance Committee, to wit :

A bill to alter and amend so much of section — of an act to levy and collect a tax on circuses.

A bill for the relief of A. Worrill, of the county of Upson.

The following bill of the House was taken up and read the second time and referred to the Committee of the Whole, to wit :

A bill to create a new judicial circuit to be called the Rome Circuit ; to change the boundaries of the Tallapoosa and Coweta Circuits ; to change the name of the Coweta Circuit ; to fix the time of holding courts in said circuits, and for other purposes.

The following bill of the House was taken up and read the first time, to wit :

A bill to carry into effect section 8th, article 2d, of the Constitution of this State.

The following bills were taken up and severally read the second time and referred to the Judiciary Committee, to wit :

A bill to amend section 3496 of Irwin's Code in relation to garnishments.

A bill to incorporate the Georgia Baptist Aid Society.

A bill to amend an act entitled an act for the relief of debtors, &c., passed in 1868.

A bill to incorporate the Planters' Accommodation Line Steamboat Company.

A bill to prohibit Ordinaries from granting letters of administration in certain cases.

A bill in relation to the statute of limitations, and for other purposes.

A bill to authorize and require each county in this State to pay the expense of conveying persons sentenced to labor in the Penitentiary, and for other purposes.

A bill to amend the 4th section of an act entitled an act for the relief of debtors, &c.

The following bill was taken up and read the second time and referred to the Committee on Banks, to wit :

A bill to establish a real estate bank to encourage agriculture and the manufacture of cotton and wool in the State of Georgia.

The following bill was taken up and read the second time and referred to the Committee on New Counties and County Lines, to wit :

A bill to change the lines between the counties of Bartow and Gordon.

The following bill was taken up and read the second time and referred to the Committee of the Whole, to wit :

A bill to incorporate the Tazwell Manufacturing Company, in the county of Marion.

The following bill was taken up and read the second

time and referred to the Committee on the State of the Republic, to wit :

A bill to prevent stock from running at large under certain circumstances.

The following bill was taken up and read the second time and referred to the Finance Committee, to wit :

A bill to alter section 3652 of the Code.

The Senate took up, as the report of the Committee of the Whole, the House bill to extend the charter of the Savannah Gas Light Company and the Augusta Gas Light Company.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion of Mr. Lester the Secretary was directed to transmit the action of the Senate on the foregoing bill forthwith to the House of Representatives.

Mr. Merrill offered the following resolution, which was taken up and read and referred to the Finance Committee, to wit :

WHEREAS, J. F. Strickland, Tax Collector of Haralson county, did pay into the treasury, upon his settlement with the Comptroller General for the tax of 1866, seventy-four dollars and five cents, an over-payment of the tax due for that year, and is entitled to the same, with interest, from the State treasury ; and whereas, the present Treasurer and Comptroller General entertain doubts as to their authority to audit and pay the same,

Resolved by the Senate and House of Representatives in General Assembly convened, That the Governor be, and he is hereby, authorized to draw his warrant on the Treasurer for the same, to be paid out of any money in the treasury not otherwise appropriated.

The Senate took up the bill to explain an act to levy and collect a tax for the support of the government for the year 1868, and for other purposes.

The Finance Committee, to whom this bill was referred, reported the same back with the recommendation that it "do not pass."

Mr. Lester moved to disagree to the report of the Committee, which motion was lost.

The report of the committee was then agreed to, and the bill was lost.

On motion of Mr. Burns the following bill was taken up and recommitted to the Committee on Finance, to wit :

A bill to carry into effect the report of the special committee on the accounts of the late Treasurer and Comptroller General.

The Senate took up the bill to amend an act entitled an act to incorporate the Savannah Gas Light Company and the Augusta Gas Light Company, approved December 14, 1849, and an act amendatory thereof, assented to December 13, 1862.

On motion the bill was indefinitely postponed.

The Senate took up the bill to amend an act entitled an act to regulate and define court contracts, &c., approved March 17, 1866.

On motion the bill was laid on the table for the present.

The Senate took up the bill to provide for the election of Justice of the Peace for each militia district.

On motion of Mr. Nunnally the bill was referred back to the Judiciary Committee with instructions to inquire into and report as to the propriety of certain amendments thereto, together with a House bill on the same subject.

The Senate took up, as the report of the Committee of the Whole, the bill to amend the several acts incorporating the town of LaFayette, &c.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to incorporate a town to be called Parkersville.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it "do pass."

The report of the committee was agreed to. The bill was read the third time and passed.

Mr. Harris, from the Committee on Finance, made the following report :

Mr. President :

The Committee on Finance, to whom was referred a resolution "that the Committee on Finance be requested to ascertain and report to the Senate the number of Irwin's Revised Code furnished the State, and the amount paid for the same furnished the State, since the adjournment of the last session of the General Assembly," under a joint resolution adopted by the Assembly, report that they have performed that duty, and refer for the desired information to the report of the State Librarian herewith transmitted.

JOHN HARRIS, Chairman.

(Copy.)

STATE OF GEORGIA, OFFICE STATE LIBRARIAN,
ATLANTA, January 29, 1869.

Received of Hon. David Irwin nine hundred and fifty copies of "Irwin's Code," delivered by him for the use of the State.

(Signed)

JOHN L. CONLEY,
State Librarian.

Warrant No. 204—David Irwin—January 23, 1869—
\$2,000.

Warrant No. 216—David Irwin—January 29, 1869—
\$2,750.

Amount received, \$4,750.

There were sent out from the Executive Department, in October and November, about sixteen hundred copies of the Code to civil officers.

Mr. McCutchen, from the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, signed by the Speaker of the House and ready for the signature of the President of the Senate, the following acts :

An act to extend the charter of the Savannah Gas Light Company and the Augusta Gas Light Company.

An act to extend the time in which Tax Collectors shall make final settlements with the Comptroller General of the State of the taxes collectable for the year 1868.

B. R. McCUTCHEN, Chairman *pro tem*.

The Senate took up from the table, as the report of the Committee of the Whole, the House bill to authorize the Ordinary of Stewart county to draw his warrant upon the treasury of Stewart county, &c.

On motion of Mr. Moore the bill was referred to the Judiciary Committee.

Mr. Lester offered the following resolution, to wit:

WHEREAS, The Senate is a long way in advance of the House in the business of this Legislature; therefore

Resolved, That when the Senate adjourns to-day that it stands adjourned until three o'clock P. M. on Monday next

Mr. Candler proposed the following amendment, to wit: " *Provided*, That the per diem of Senators and Clerks stop for the two days that the Senate is not in session."

After debate Mr. Speer called for the previous question, which being sustained, the main question was put upon the amendment of Mr. Candler; whereupon the yeas and nays were required to be recorded, and are yeas 7, nays 25.

Those voting in the affirmative are—

Messrs. Anderson, Burns, Candler, Graham, Hinton, Holcombe, Winn.

Those voting in the negative are—

Messrs. Brock, Bruton, Colman, Collier, Corbitt, Dickey, Fain, Griffin 6th, Griffin 21st, Harris, Hungerford, Jones, Jordan, Lester, Merrill, McArthur, McCutchen, McWhorter, Moore, Nunnally, Smith 36th, Speer, Wellborn, Welch, Wooten.

So the amendment was lost.

Mr. Brock then moved to lay the resolution on the table, which motion was lost.

The question then recurred upon the adoption of the resolution; whereupon the yeas and nays were required to be recorded, and are yeas 13, nays 18.

Those voting in the affirmative are—

Messrs. Colman, Griffin 21st, Harris, Hinton, Hungerford, Jordon, Lester, Merrill, McWhorter, Nunnally, Smith 36th, Speer, Wooten.

Those voting in the negative are—

Messrs. Anderson, Brock, Burns, Candler, Collier, Corbitt, Dickey, Fain, Graham, Griffin 6th, Holcombe, Jones, McArthur, McCutchen, Moore, Wellborn, Welch, Winn.

So the resolution was lost.

Senators McWhorter and Nunnally were granted leave of absence for a few days.

The hour having arrived, the President declared the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,
Friday, February 12, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Adams, Honorable Senator from the 20th District.

The roll was called and the Journal of the previous day was read and approved.

Mr. Merrill presented a memorial from the Hon. John D. Pope and others, which was taken up and read.

The Senate took up, as the report of the Committee of the Whole, the bill of the House to create a new judicial circuit to be called the Rome Circuit; to change the boundaries of the Tallapoosa and Coweta Circuits; to change the name of the Coweta Circuit; to fix the time of holding courts in said circuits, and for other purposes.

Mr. Candler offered the following amendment, which was adopted, to wit:

In the Atlanta Circuit, after the word "Fulton," strike out the words "third Monday in March and September," and insert in lieu thereof the words "first Monday in May and November."

After debate Mr. Wooten called for the previous question, which being sustained, the main question was ordered upon the passage of the bill as amended, and the bill as amended was read the third time and passed.

On motion the Secretary was directed to transmit the same forthwith to the House of Representatives.

Mr. Moore offered the following resolution, which was laid on the table, to wit :

WHEREAS, The Constitution of the State provides that the General Assembly meet annually on the second Wednesday in January ; and whereas, it provides further that the time of such meeting may be changed by the General Assembly ; therefore

Resolved by the Senate and House of Representatives in General Assembly convened, That, after the final adjournment of the present session of the General Assembly, the next meeting thereof shall be on the second Wednesday in July, 1870, and the second Wednesday in July of each succeeding year.

Mr. Winn offered the following resolution, which was taken up, read and adopted, to wit :

Resolved, That the joint committee on the Western & Atlantic Railroad be requested to report at its earliest convenience.

Mr. Hinton offered the following resolution, which was taken up, read and referred to the Judiciary Committee, to wit :

WHEREAS, Prior to the adoption of the present Constitution of Georgia, each militia district of this State was entitled to two Justices of the Peace ; and whereas, since the adoption of said Constitution, the number of Justices have been, by that Constitution, reduced to one in each district ; and whereas, the Justices elected and commissioned anterior to the adoption of said Constitution have continued to act ; and whereas, doubts exist as to the legality of the acts of said Justices in their official capacity ;

Be it therefore resolved by the Senate and House of Representatives, That any and every act done by said officers, in

an official capacity, be, and the same are hereby, declared legal and binding: *Provided*, nothing in this resolution shall be so construed so as to prevent a judicial review of any judgment or order rendered by said officers.

Mr. Winn offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That the Secretary be required to furnish the Senate with the names of all clerks in his department, and also when they were examined and sworn in.

Mr. Wooten offered the following resolution, which was taken up, read and referred to the Finance Committee, to wit:

WHEREAS, There are now outstanding bonds of the State of Georgia to a small amount, which bonds became due in July, 1868; and whereas, the Treasurer expresses doubt as to his power to pay the same without authority from the Legislature;

Be it therefore resolved by the Senate and House of Representatives, That said Treasurer be, and he is hereby, instructed to pay, on presentation, the principal of said bonds, together with such interest as may have accrued since the maturity thereof out of any funds not otherwise appropriated.

Mr. Smith of the 36th District offered the following resolution, which was taken up, read and adopted, to wit:

WHEREAS, The Constitution requires that the General Assembly, at its first session after the adoption of the Constitution, shall provide a thorough system of general education, and as such has not yet been done; therefore

Resolved, That the Committee on Education be requested to report at an early day.

Mr. McCutchen, chairman *pro tem.* of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following acts:

An act to incorporate the Atlanta Agricultural Implement Manufacturing Company.

Also, an act to exempt from jury duty certain members of the Germania Fire Company, the Metropolitan Fire Company, and the Marshall Hose Company, of the city of Savannah, and the Rainbow Steam Fire Company, of Rome, Georgia.

B. R. McCUTCHEN, Chairman *pro tem*.

Mr. Smith, chairman of the Committee on New Counties and County Lines, made the following report :

Mr. President :

The committee, to whom was referred a bill to be entitled an act to change the lines between the counties of Bartow and Gordon, have had the same under consideration, and report it back with the recommendation that it do pass.

W C. SMITH,
Chairman Committee.

Mr. Brock, chairman of the Committee on the State of the Republic, made the following report :

Mr. President :

Your committee, to whom were referred the following bills of the Senate, make the following report, to wit :

A bill to be entitled an act to prevent stock from running at large under certain circumstances, they recommend do not pass.

A bill to be entitled an act to create a Land and Immigration Bureau for the State of Georgia, which they report back without recommendation.

Also, a bill to protect the lives of citizens of this State, they report back without recommendation.

W. BROCK, Chairman.

The following message was received from the House of Representatives by Mr. Hardin, their Clerk :

Mr. President:

The House of Representatives has concurred in the amendments of the Senate to the bill of the House to be entitled an act to carry into effect the 2d clause of 13th section, 5th article of the Constitution.

Mr. Fain, from the special joint committee, made the following report :

Mr. President:

The special joint committee, consisting of five from the Senate and nine from the House, to whom was referred the memorial of Mrs. Jane L. Mitchell, with instructions to report by bill or otherwise, after having maturely deliberated thereon, unanimously report the accompanying bill, and recommend the passage of the same, to wit: A bill to be entitled an act to re-convey property to the heirs of Samuel Mitchell, and to repeal the act passed in 1859 in regard to said property.

(Signed) J. C. FAIN, Chairman Senate Committee,
O. G. SPARKS, Chairman House Committee,
C. J. WELLBORN, Senate Committee,
A. D. NUNNALLY, Senate Committee,
T. J. SPEER, Senate Committee,
J. H. MCWHORTER, Senate Committee,
I. E. SHUMATE, House Committee,
EPHRAIM TWEEDY, House Committee.

On motion the rule was suspended and the following bills were introduced and severally read the first time, to wit :

By Mr. Bruton—

A bill to incorporate the Independent Telegraph Company, and for other purposes connected therewith.

By Mr. Candler—

A bill to authorize the Judges of the Superior Courts at chambers to hear and determine demurrers to bills in equity, and hear and determine motions to make or change orders appointing receivers upon certain conditions.

By Mr. Hinton—

A bill to prescribe the penalty for neglecting or refusing to work the roads of this State, and for other purposes.

By Mr. Griffin of the 21st District—

A bill for the relief of debtors, and to authorize the adjustment of debts upon principles of equity.

By Mr. Sherman—

A bill to give aid to prisoners in the common jails.

By Mr. Corbitt—

A bill to exempt from the payment of poll tax all blind persons not possessed of more than five hundred dollars estate.

The Senate took up the bill to make it penal for persons not having a lawful fence to kill stock.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to amend an act entitled an act to organize a Criminal Court for each county of this State, approved October 7, 1868.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill prescribing the mode of dissolving garnishment under attachments, &c.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to alter and amend section 4010 of Irwin's Revised Code in relation to distress warrants, &c.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it

do pass with the following amendment, to wit: "Strike out section second."

On motion the amendment was agreed to, and the bill as amended was read the third time and passed.

The Senate took up the bill of the House to alter and amend so much of section —— of an act to levy and collect a tax on circuses.

The Finance Committee, to whom this bill was referred, reported the same back without recommendation.

Mr. Merrill proposed the following amendment, to wit: "That the 11th paragraph, 2d section of the Tax Law of 1868, shall read as follows: 'That all circus companies shall pay the sum of twenty-five dollars for each exhibition by them in any of the counties in this State.'"

After debate the question was put upon the amendment of Mr. Merrill, which was lost.

The bill was then read the third time and passed.

On motion the Secretary was directed to transmit the same forthwith to the House of Representatives.

The Senate took up the bill to authorize either party in a possessory warrant to give notice of an intention to *certiorari* and the same shall operate as a *supersedeas* for ten days.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass with the following amendment, to wit: Strike out the word "ten" and insert the word "five" in lieu thereof.

The report of the committee was agreed to, and the bill, as amended, was read the third time and passed.

The Senate took up the bill to change and amend the claim laws of this State.

The Judiciary Committee to whom this bill was referred, reported the same back with the recommendation that it do not pass.

On motion of Mr. Hinton the report of the committee was disagreed to, and the bill was read the third time and passed.

Senators Corbitt, Graham and Lester were granted leave of absence for a few days.

Mr. Wellborn offered the following resolution, which was lost, to wit :

Resolved, That when the Senate adjourns to-day that it adjourn to meet at the usual hour on Monday next.

Mr. Speer offered the following resolution, to wit :

Resolved, That in the future every Senator asking for leave of absence shall state at the time of asking the number of days wanted, and should any Senator absent himself from any cause without such permission, and beyond the time granted, he shall forfeit his per diem for each and every day absent : *Provided*, that should any Senator be prevented from returning at the expiration of his leave of absence from Providential causes, of which the Senate shall be the judge, he shall not forfeit his per diem.

Resolved further, That each and every Senator shall certify upon honor before the Auditing Committee, and at the expiration of the present session, the actual number of days they are entitled to pay in conformity with the above resolution, and that said certificate shall be presented by each Senator to the Treasurer so that he may know the amount due said Senator.

On motion of Mr. Griffin of the 21st District the resolution was laid on the table.

The following bills were taken up and read the second time and referred to the Judiciary Committee, to wit :

A bill to amend an act entitled an act to organize a Criminal Court for each county of this State.

A bill to authorize testators in wills to give to the executors named therein money or property, as they may wish, as compensation for their services.

A bill to require the official bonds of Ordinaries to be approved by the Clerks of the Superior Courts.

A bill to exempt from the provisions of an act of the General Assembly of the State of Georgia, passed during the session of 1868, entitled an act for the relief of debtors, and for the adjustment of debts upon the principles of equity.

A bill to extend and regulate the law of set-off and

recoupment, and to authorize damages to be set-off in certain actions founded on contracts.

A bill to require plaintiffs in *fi. fas.* to pay the fees for advertising all sales of lands to be made by them in advance.

The following bills were taken up and severally read the second time, and referred to the Committee on Internal Improvements, to wit :

A bill to incorporate the Augusta and Louisville Railroad Company, and to confer certain privileges and powers upon the same.

A bill to incorporate the Columbus and West Point Railroad Company.

On motion the time of adjournment was extended thirty minutes for to-day.

The following bill was taken up and read the second time and referred to a special committee of five, composed of Messrs. Wellborn, Lester, Dickey, Moore and Winn, to wit :

A bill to prevent monopolies and to tax certain railroad stock.

The following bills were taken up and severally read the second time, and referred to the Committee on New Counties and County Lines, to wit :

A bill to change the county line between the counties of Carroll and Paulding.

A bill to change the line between the counties of Twiggs and Wilkinson so as to include the lands and residence of Andrew Floyd of Wilkinson county, and the lands of W. H. Stokes of said county, to the county of Twiggs.

The following bill was taken up and read the second time and referred to the Committee of the Whole, to wit :

A bill to amend an act to secure the proceeds, rents, or profits arising from homesteads, and for other purposes.

The following bill was taken up and read the second time and referred to the Committee on Banks, to wit :

A bill to incorporate the Darien Banking Company, and for other purposes.

Mr. McCutchen, from the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate, the following act :

An act to alter and amend so much of section ——— of an act to levy and collect tax on circuses.

B. R. McCUTCHEN, Chairman *pro tem*.

The following bill of the House was taken up and read the second time and referred to the Judiciary Committee, to wit :

A bill to carry into effect section 8, article 2d of the Constitution of this State.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,
Saturday, February 13, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Smith, Honorable Senator from the 7th District.

The roll was called and the Journal of the previous day was read and approved.

Mr. Holcombe, chairman of the Committee on Agriculture and Manufactures, made the following report :

Mr. President :

The Committee on Agriculture and Manufactures have had under consideration the following bill :

A bill to be entitled an act to remove obstructions from Bluff Creek, in the county of Pulaski, and Cedar Creek and Foalson Creek, in the county of Wilcox, and for other

purposes therein mentioned, which the committee recommend do not pass.

A. W. HOLCOMBE, Chairman.

Mr. Merrill, from the Committee on the Judiciary, made the following report :

Mr. President :

The Judiciary Committee have had several bills under consideration, and report the following back without recommendation, to wit :

A bill for the selection of jurors to serve in the Superior Courts of this State.

The following bill they recommend do pass with an amendment, to wit :

A bill to authorize the Ordinary of Stewart county to draw his warrant upon the Treasurer of said county.

The bill to define, and punish parties for removing or destroying, copartnership fencing they recommend do pass by a substitute offered for the same.

The following bills they recommend do pass, to wit :

A bill to amend an act entitled an act for the relief of debtors, passed 1868.

A bill to prohibit Ordinaries from granting letters of administration in certain cases.

A bill to give the Ordinary of the respective counties of this State jurisdiction in cases of nuisance.

The following bills of the House of Representatives they recommend do pass, to wit :

A bill to change the time of holding the Superior Courts of the Southern Circuit, and to draw and summon separate panels of jurors for each week of said courts, in the counties of Thomas and Brooks, and other counties.

A bill to change the times of holding the Superior Courts in the counties of Columbia, Washington, Johnson and Emanuel, of the Middle Circuit.

The following bill of the Senate they recommend do pass, to wit :

A bill to alter and amend an act entitled an act to organize a Criminal Court for each county of this State.

W. W. MERRILL, Chairman.

Mr. Smith of the 36th District, from the Committee on New Counties and County Lines, made the following report :

Mr. President :

The Committee on New Counties and County Lines have had under consideration the following bill, which they recommend do pass, to wit :

A bill to change the line between the counties of Twiggs and Wilkinson.

The bill, re-referred, amendatory of an act, approved February 14, 1854, entitled an act to change the lines between the fourth and sixth districts of Troup county, and to change the lines between certain counties therein mentioned, so far as regards the lines between Talbot and Meriwether, they report back without recommendation.

W. C. SMITH, Chairman.

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tem.* thereof :

Mr. President :

The House of Representatives has passed the following bill, to wit :

A bill to incorporate the Savannah Bank and Trust Company, of Savannah.

A bill to alter and amend the charter of the city of Americus.

They have also concurred in the Senate's amendment to the following House bill, to wit :

A bill to carry into effect the 2d clause of the 13th section of the 5th article of the Constitution.

Mr. Wellborn, from the Committee on Banks, made the following report :

Mr. President :

The Committee on Banks, to whom was referred a bill to be entitled an act to incorporate the Darien Banking Company, and for other purposes, have had the same under consideration, and recommend that it do pass.

C. J. WELLBORN, Chairman.

The following message was received from his Excellency the Governor through Mr. de Graffenried, his Secretary, to wit :

Mr. President :

The Governor has signed and approved the following act, to wit :

“ An act to incorporate the Atlanta Agricultural Implement Manufacturing Company.”

Also, “ an act to exempt from jury duty certain members of the Germania Fire Company, the Metropolitan Fire Company and the Marshall Hose Company, of the city of Savannah, and the Rainbow Steam Fire Engine Company, of Rome Georgia.”

The following bills were taken up and severally read the second time and referred to the Judiciary Committee, to wit :

A bill to authorize the Judges of the Superior Courts at chambers to hear and determine demurrers to bills in equity, and to hear and determine motions, to make or change orders appointing receivers upon certain conditions.

A bill to give aid to prisoners in common jails.

A bill for the relief of debtors and to authorize the adjustment of debts upon the principles of equity.

A bill to exempt from the payment of poll tax all blind persons not possessed of more than five hundred dollars estate.

The following bill was taken up and read the second time and referred to the Committee on Internal Improvements, to wit :

A bill to incorporate the Independent Telegraph Company, and for other purposes connected therewith.

The following bills were taken up and read the second time and referred to the Committee of the Whole, to wit:

A bill to re-convey property to the heirs of Samuel Mitchell, and to repeal the act passed in 1859 in regard to said property.

A bill to prescribe a penalty for neglecting or refusing to work the roads of this State, and for other purposes.

The Secretary of the Senate read the following communication which, on motion, was referred to the Auditing Committee:

SENATE CHAMBER,
ATLANTA, GA., February 15, 1869.

The Secretary of the Senate, in response to a resolution of the Senate adopted the 12th instant, begs leave to say:

That under resolution adopted 25th ultimo he appointed, in his discretion, as soon as practicable after the adoption of the resolution, a sufficient number of clerks (said appointments having been afterwards approved by the Senate) to keep the business of the State fully up, a list of which clerks, so appointed having been left at the Treasurer's office, where it may be seen at any time, and another list with date of commencement of service of each clerk being in the Secretary's room open to the inspection of all; that said clerks having been appointed under resolution for the balance of the session only, and not being regular officers of the Senate, are not required to be sworn, and are not usually sworn; and that he is ready to take said clerks, appointed as aforesaid, before the Enrolling Committee for examination as soon as the chairman of said committee, who is now and has been for a length of time confined to a bed of sickness, shall indicate the readiness of the committee to receive them. While some of the clerks have not been formally examined, yet their writing coming before the Engrossing and Enrolling Committees of the Senate, and before becoming official, being certified to as duly engrossed and enrolled, the examination of said clerks.

may be considered as having been virtually undergone. In addition to this every piece of writing, before being accepted by the Secretary, is examined and approved by chiefs of the two departments of Enrolling and Engrossing, who themselves were selected for superior skill in penmanship and other qualifications for such a position, and who being sworn officers of the Senate, after due examination by the Enrolling Committee, were recommended to the Senate as proper persons to take their oaths of office.

(Signed)

A. E. MARSHALL, Secretary.

The Senate took up the bill to incorporate the Darien Banking Company, and for other purposes.

The Committee on Banks to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to, and a constitutional majority being required to pass the same the yeas and nays were required to be recorded, and are yeas 24, nays 1.

Those voting in the affirmative are—

Messrs. Adams, Adkins, Anderson, Brock, Bruton, Candler, Collier, Fain, Graham, Griffin 21st, Hinton, Hungerford, Jordan, Merrill, McArthur, McCutchen, Moore, Sherman, Smith 7th, Smith 36th, Speer, Wellborn, Welch, Wooten.

Those voting in the negative are—

Mr. Holcombe.

So the bill was passed by a constitutional majority.

The Senate took up the bill to incorporate the Atlanta Canal and Water Company.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do not pass.

On motion the bill was laid on the table for the present.

The Senate took up the bill for the selection of jurors to serve in the Superior Courts of this State.

The Judiciary Committee, to whom this bill was referred, reported the same back without recommendation.

On motion the bill was laid on the table.

The Senate took up the bill to amend an act to define the qualifications of voters at the election to be held in the city of Columbus for Mayor and Aldermen.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

On motion the bill was laid on the table.

The Senate took up the bill to incorporate the Atlanta Water Company.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back with the recommendation that it do pass with certain amendments.

On motion the bill was laid on the table for the present.

On motion of Mr. Holcombe the rule was suspended for the introduction and reading of bills for the first time.

The following bills of the House were taken up and read the first time, to wit :

A bill to alter and amend the charter of the city of Americus.

A bill to incorporate the Savannah Bank and Trust Company, of Savannah.

Senators Colman and Griffin of the 21st District were granted leave of absence for a few days.

The following bills were introduced and severally read the first time, to wit :

By Mr. Wooten—

A bill to alter and amend the law in reference to arbitration and award.

Also, a bill to provide for the payment and distribution of the poll tax in this State.

By Mr. Moore—

A bill to change the regular time of the meeting of the General Assembly of Georgia.

By Mr. Fain—

A bill to authorize Edward S. Mann, of Gordon county, to peddle without license.

By Mr. Griffin of the 21st District—

A bill for the more efficient preservation of peace and good order on election days in this State.

By Mr. Speer—

A bill to repeal the 897th section of Irwin's Revised Code, in which property exempted from levy and sale ordinarily is exempted from levy and sale for taxes.

On motion of Mr. Speer the Senate adjourned until Monday morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,
Monday, February 15, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Adams, Honorable Senator from the 20th District.

The roll was called and the Journal of the previous day was read and approved.

On motion the rule was suspended and Mr. Hungerford offered the following resolution, which was taken up, read and adopted, to wit :

Resolved, That a seat on the floor of the Senate be tendered to Judge Havery during his stay in the city.

The following bills were introduced and severally read the first time, to wit :

By Mr. Wooten—

A bill to require the Justices of the Peace of each militia district to furnish a list of tax-payers in each militia district to the Tax Receiver of the county.

By Mr. Wellborn—

A bill to loan the credit of the State to the Dalton & Morgantown Railroad Company, and for other purposes.

By Mr. Richardson—

A bill to prohibit the granting of licenses to retail ardent spirits in the county of Dawson, in this State.

By Mr. Dickey—

A bill to amend an act entitled an act to enable the owners of mines to draw water from branches or other head waters, through or over intervening lands, approved October 10, 1868.

By Mr. Burns—

A bill to change the law of evidence in this State.

Also, a bill to incorporate the Rome & Summerville Turnpike Company.

Mr. Candler offered the following resolution, to wit:

Resolved, That from this day the Senate will meet at 9 o'clock, A. M., and adjourn at 1½ o'clock, P. M.

Mr. Speer moved to amend by striking out the word "nine," and insert the words "nine and a half" in lieu thereof.

Mr. Winn proposed to amend by inserting two sessions a day, one from 10 A. M. to 1 P. M., the other from 3 P. M., to 5 P. M.

On motion of Mr. Harris the resolution and amendments were laid on the table.

Mr. Holcombe, chairman of the Committee on Agriculture and Manufactures, made the following report:

Mr. President:

The Committee on Agriculture and Manufactures have had under consideration the following bill:

An act to incorporate the Atlanta Manufacturing Company, which the committee recommend do pass with the following amendments:

First. Change the caption of the bill to read as follows:

An act to incorporate the Atlanta Acid and Fertilizing Company, and for other purposes therein named.

Amend the first section by striking out Atlanta Manufacturing Company, and inserting Atlanta Acid and Fertilizing Company.

Amend the third section, in the line next to the last, after the word the, by striking out the remainder of the section, and insert in lieu period of ten years.

Add a fourth section, as follows :

All laws and parts of laws conflicting with this act are hereby repealed.

A. W. HOLCOMBE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bills, to wit :

A bill to change the line between the counties of Stewart and Quitman and Miller and Baker.

Also, a bill to be entitled an act for the relief of James O. Morton, of the county of Brooks, as administrator on the estate of C. J. English, deceased.

They have also adopted the following resolution, which I am ordered to transmit forthwith to the Senate :

A resolution appointing a special committee to bring about a speedy, full and fair settlement between John Jones, late Treasurer, and the Treasurer of this State.

Mr. Merrill, from the Committee on the Judiciary, made the following report :

Mr. President :

The Judiciary Committee, to whom was referred a bill to be entitled an act to change the time of holding the Superior Court for the county of Cherokee, have had the same under consideration and recommend that it do pass with a substitute, which they submit in lieu thereof.

W W MERRILL, Chairman.

Mr. Wellborn, from the special committee, made the following report :

Mr. President :

The special committee, to whom was referred a bill to be entitled an act to prevent monopolies and to tax certain railroad stock, have had the same under consideration and recommend that it do pass.

C. J. WELLBORN, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bill, to wit :

A bill to bring on an election for Congressmen in the State of Georgia.

The House also concurred in the Senate amendment to the following House bill, to wit :

A bill to create a new judicial circuit to be called the Rome Circuit, &c.

Mr. Hinton offered the following resolution, to wit :

Resolved, By the Senate and House of Representatives that this General Assembly do take a recess for fifteen days, said recess to take effect from Wednesday next.

On motion of Mr. Holcombe the resolution was laid on the table.

The Senate took up the bill to make valid the acts of certain notaries in this State.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to repeal the 3525th section of Irwin's Revised Code of Georgia, so far as the same creates liens on real and personal property in the hands of *bona fide* purchasers for a valuable consideration.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

After debate Mr. Brock moved to disagree to the report of the committee, which motion was lost.

The report of the committee was then agreed to, and the bill was lost.

Mr. Brock gave notice that he would move to reconsider the action of the Senate on the foregoing bill on to-morrow morning.

The Senate took up the bill to change the manner of directing bench warrants in this State, and for other purposes.

The Judiciary Committee to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to amend the city charter of Albany, Ga.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

Mr. Speer offered the following resolution, to wit :

Resolved, That Hon. C. D. McCutchen be tendered a seat on the floor of the Senate.

Mr. Bruton proposed to amend by adding the name of the Hon. Richard H. Whiteley, which was agreed to, and the resolution, as amended, was adopted.

The Senate took up the bill to amend section 3329 of the Code in relation to suits against railroad companies.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to increase the fees of jurors, and to make their compensation adequate for the services rendered.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up from the table the bill to define, and punish parties for removing or destroying, copartnership fences.

The Committee on Agriculture and Manufactures, to whom this bill was referred, reported the following as a substitute in lieu of the original, to wit :

SEC. 1. *The General Assembly do enact*, That from and after the passage of this act, it shall not be lawful for any person who is the part owner of any fence or fences which encloses, or partially encloses, the premises of another, to remove or destroy the same, or procure the same to be done, without the consent of the person or persons so jointly interested with him ; and any person violating this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not to exceed one hundred dollars, and imprisonment, not to exceed thirty days : *Provided, however*, That, in case of joint cross fences, any one owning an interest in such fence desiring to build a cross fence of his own in lieu of such joint fence, may use his part of the joint fence for that purpose, by giving to the other party or parties interested, three months' notice in writing of his intention.

SEC. 2. *Be it further enacted*, That where the premises of two or more persons are enclosed by line fences, adjoined the one to the other, it shall not be lawful for any one of said parties to break such enclosure by removing his fence at the point of junction and running a cross fence on his own side, unless he shall first give to such other party or parties his written consent to allow him or them to extend their line fences, and adjoin the same to such cross fence, or give six months' notice in writing of his intention to remove such fence ; and any person violating this section shall be deemed guilty of a misdemeanor, and, on conviction, punished as prescribed in the first section of this act.

SEC. 3. *Be it further enacted*, That all conflicting laws be, and they are hereby, repealed.

On motion the substitute was adopted in lieu of the original.

The report of the committee was agreed to, and the bill as amended was read the third time and passed, under the following title, to wit :

“A bill to be entitled an act to make penal the removal or destruction of joint or copartnership fences; to prescribe a penalty therefor, and for other purposes.”

Mr. Bruton introduced the following bill, which was taken up and read the first time, to wit :

A bill to require the Mayor and Aldermen of the city of Bainbridge to assess the value of the taxable property of said city, and for other purposes therein named.

The following bills were taken up and recommitted to the Judiciary Committee, to wit :

A bill to amend an act entitled an act to give landlords liens upon crops of tenants, and for other purposes.

A bill to amend the second section of an act, approved December 15, 1866, entitled an act to give landlords a lien upon the crops of tenants for stock, farming utensils, &c., and for other purposes.

The Senate took up the bill amendatory of an act, approved February 14, 1854, entitled an act to change the lines between the fourth and sixth districts of Troup county, and to change the lines between certain counties therein mentioned, so far as regards the lines between the counties of Talbot and Meriwether, and to define the same, and for other purposes.

The Committee on New Counties and County Lines, to whom this bill was referred, reported the same back without recommendation.

On motion the bill was postponed indefinitely.

The Senate took up the bill to lay off and organize a new county out of the counties of Pike, Monroe and Upson, to be called ——— county, and attach the same to the Flint Judicial Circuit and Fourth Congressional District.

The Committee on New Counties and County Lines, to whom this bill was referred, reported the same back with the recommendation that it do pass.

On motion of Mr. Harris the bill was postponed indefinitely.

The Senate took up the bill to define the jurisdiction of

Notaries Public *ex officio* Justices of the Peace, and to fix their fees, and to increase the fees of Constables.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

Mr. Burns offered the following resolution, to wit :

WHEREAS, The Enrolling Committee of the Senate have failed to discharge their duty as required by law in this, that parties hold clerkships that have not been examined; and whereas, the Secretary has appointed clerks not authorized by law and without the consent of the Senate; therefore,

Be it resolved, That a special committee of three be appointed to inquire into the number of clerks, and whether said clerks have been examined, and by what authority they hold their place.

Mr. Hungerford moved to lay the resolution on the table; whereupon the yeas and nays were required to be recorded, and are yeas 18, nays 12.

Those voting in the affirmative are—

Messrs. Adams, Bowers, Dickey, Fain, Harris, Hinton, Hungerford, Jordan, Merrill, Moore, Richardson, Sherman, Smith 7th, Smith 36th, Speer, Wellborn, Welch, Wooten.

Those voting in the negative are—

Messrs. Adkins, Anderson, Brock, Bruton, Burns, Candler, Collier, Griffin 6th, Hicks, Holcombe, McArthur, Winn.

So the resolution was laid on the table.

Mr. Burns gave notice that he would move to reconsider the action of the Senate on the foregoing resolution on tomorrow morning.

Mr. McCutchen, from the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate, the following acts :

An act to create a new judicial circuit to be called the Rome Circuit; to change the boundaries of the Tallapoosa and Coweta Circuits; to change the name of the Coweta Circuit; to fix the time of holding courts in said circuits, and for other purposes.

An act to carry into effect the second clause of the 13th section of the 5th article of the Constitution.

B. R. McCUTCHEN, Chairman *pro tem*.

The Senate took up the bill of the House to change the time of holding the Superior Court for the county of Cherokee.

The Judiciary Committee, to whom this bill was referred, reported back the following as a substitute in lieu of the original, to wit:

A bill to be entitled an act to change the time of holding the summer term of the Superior Court in and for the county of Cherokee, and for other purpose.

SEC. 1. *Be it enacted by the General Assembly*, That from and after the passage of this act, the time of holding the summer terms of the Superior Courts in and for the county of Cherokee be, and the same is hereby changed from the first Monday in August to the fourth Monday in July in each year.

SEC. 2. *And be it further enacted*, That all suits, processes, subpoenas, recognizance, and all persons bound to attend said court as heretofore held shall be returnable and required to attend said court as changed by this act.

SEC. 3. Repeals conflicting laws.

On motion the substitute was adopted in lieu of the original.

The report of the committee was agreed to, and the bill was passed under the following title, to wit:

"A bill to be entitled an act to change the time of holding the summer term of the Superior Court in and for the county of Cherokee, and for other purposes."

The Senate took up the bill of the House to change the times of holding the Superior Courts in the counties of

Columbia, Washington, Johnson and Emanuel, of the Middle Circuit.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

Mr. Winn, chairman of the Committee on Education, introduced the following bill, which was taken up and read the first time, to wit :

A bill to establish a system of public instruction.

On motion the Secretary was directed to have one hundred copies of the same printed for the use of the Senate.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Tuesday, February 16, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Smith, Honorable Senator from the 7th District.

Mr. Brock, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to repeal the 3525th section of Irwin's Revised Code of Georgia, so far as the same creates liens on real and personal property, &c.

The motion to reconsider prevailed.

Mr. Brock then proposed the following amendment, to wit :

"Provided, Said purchaser has been in possession of such realty for twelve months and such personalty for six months.

On motion of Mr. Wooten the bill, with the amendment, was recommitted to the Judiciary Committee.

Mr. Burns, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates

to the action of the Senate on the resolution, as introduced by himself, providing for the appointment of a special committee of three to inquire into the number of clerks, and whether said clerks have been examined, and by what authority they hold their places, &c.

Mr. Hungerford moved to lay the motion on the table; whereupon the yeas and nays were required to be recorded, and are yeas 18, nays 15.

Those voting in the affirmative are—

Messrs. Adams, Bowers, Dickey, Fain, Harris, Hungerford, Jordan, Merrill, McWhorter, Moore, Nunnally, Richardson, Sherman, Smith 7th, Smith 36th, Wellborn, Welch, Wooten.

Those voting in the negative are—

Messrs. Adkins, Anderson, Brock, Bruton, Burns, Candler, Collier, Griffin 6th, Hicks, Hinton, Holcombe, McArthur, McCutchen, Speer, Winn.

So the motion to reconsider was laid on the table.

The following message was received from the House of Representatives, through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following bill, to wit:

A bill to carry into effect the thirtieth section of the first article of the Constitution of Georgia.

Also, a bill to amend an act incorporating the Brunswick & Florida Railroad Company, assented to December 22, 1835.

Also have adopted the following resolution, to wit:

A resolution authorizing the Comptroller General to receive a certain per centum on the amount of Convention tax of 1868, collected by him.

Mr. Nunnally, chairman of the Committee of Internal Improvements, made the following report:

Mr. President:

The committee to whom was referred a bill to be entitled

an act to incorporate the Columbus & West Point Railroad Company.

Also, a bill to be entitled an act to incorporate the Augusta & Louisville Railroad Company, and to confer certain privileges and powers upon the same.

Also, a bill to be entitled an act to incorporate the Independent Telegraph Company, and for other purposes connected therewith.

All of which they recommend do pass.

A. D. NUNNALLY, Chairman.

The following message was received from the House of Representatives, through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following bills, to wit:

A bill to alter and amend an act entitled an act to amend an act entitled an act to incorporate the town of Marthasville, in the county of DeKalb, passed 23d day of December, 1843; and also, to enlarge the boundary lines of said town, and to incorporate the same under the name of the city of Atlanta; and to change the name of the town of Rome to that of the city of Rome; to provide for the election of Mayor and City Councilmen, and other officers, of said cities, and to confer upon them specified powers, and for other purposes herein mentioned.

Also, a bill to amend an act of October 6, 1868, entitled "an act to require the Reporter of the Supreme Court to publish the decisions of the Supreme Court in pamphlet form, and to provide for the distribution of the same, and for other purposes.

Also, a bill to amend the charter of the city of Atlanta, and provide for the registry of voters therein.

Also, a bill to prohibit and make penal the sale and purchase of agricultural products in the county of Lowndes, after night, by and from tenants by the year, or hired laborers, without written permission from the owner of the land on which the same was raised, or his authorized agent.

Also, a bill to change the county line between the counties of Henry and Butts.

Also, a bill to amend the charter of the city of Macon.

Also, a bill to incorporate the Rome Iron Manufacturing Company, in the county of Floyd, and to define the rights, privileges and liabilities of the same.

Also, a bill to repeal an act entitled "an act to authorize the board of commissioners of the public roads for the county of Glynn to appropriate hands to work on Honey Gall Creek, and to establish a public landing at the bluff, and appoint commissioners for the same.

Senator Griffin of the 6th District was granted leave of absence for a few days on account of sickness in family.

Mr. Hinton, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill amendatory of an act, approved February 14, 1854, entitled an act to change the lines between the fourth and sixth districts of Troup county, so far as regards the lines between the counties of Talbot and Meriwether.

The motion to reconsider prevailed.

After debate Mr. Harris moved to lay the bill on the table, which motion was not agreed to.

The question was then put upon the passage of the bill; whereupon the yeas and nays were required to be recorded, and are yeas 14, nays 14, Mr. President voting nay

Those voting in the affirmative are—

Messrs. Adams, Adkins, Anderson, Brock, Collier, Dickey, Griffin 6th, Hicks, Hinton, Holcombe, Merrill, McCutchen, Nunnally, Smith.

Those voting in the negative are—

Messrs. Bowers, Bruton, Burns, Harris, Hungerford, Jordan, Moore, Sherman, Smith 36th, Speer, Wellborn, Welch, Winn, Mr. President.

So the bill was lost.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following resolution, which I am ordered to transmit forthwith to the Senate, to wit :

A resolution requesting the Senate to return a resolution of the House appointing a committee to bring about a speedy, full and fair settlement between John Jones, late Treasurer, and the Treasurer of this State.

On motion the Senate took up the message of the House just received, requesting the Senate to return a certain resolution of that body.

On motion the request was granted, and the Secretary was directed to transmit the same forthwith.

On motion the Senate took up the bill to alter and amend the several acts incorporating the city of Griffin.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion of Mr. Nunnally the Secretary was directed to transmit the same forthwith to the House of Representatives.

On motion of Mr. Nunnally the Senate took up from the table and recommitted the following bill to the Judiciary Committee, to wit :

A bill to regulate and define court contracts, &c., approved March 17, 1866.

On motion the rule was suspended, and the following bills of the House were taken up and read the first time, to wit :

A bill to amend an act incorporating the Brunswick & Florida Railroad Company, assented to December 22, 1835, &c.

A bill to carry into effect the thirtieth section of the first article of the Constitution of Georgia.

A bill to change the line between the counties of Stewart and Quitman and Miller and Baker.

A bill for the relief of James O. Morton of the county of Brooks, as administrator on the estate of C. J. English, deceased.

A bill to bring on an election for Congressmen in the State of Georgia.

A bill to change the county line between the counties of Henry and Butts.

A bill to prohibit and make penal the sale and purchase of agricultural products in the county of Lowndes, after night, by and from tenants by the year, or hired laborers, without written permission from the owner of the land on which the same were raised or his authorized agent.

A bill to amend the charter of the city of Atlanta, and provide for registry of voters therein.

A bill to incorporate the Rome Iron Manufacturing Company in the county of Floyd, and to define the rights of privileges and liabilities of the same.

A bill to amend an act of October 6, 1868, entitled an act to require the Reporter of the Supreme Court to publish the decisions of the Supreme Court in pamphlet form, and to provide for the distribution of the same, and for other purposes.

A bill to alter and amend an act entitled an act to incorporate the town of Marthasville, in the county of DeKalb, passed 23d day of December, 1843, and also to enlarge the boundary lines of said town, and to incorporate the same under the name of the city of Atlanta, and to change the name of the town of Rome to that of the city of Rome; to provide for the election of Mayor and City Councilmen and other officers of said cities, and to confer upon them specified powers, and for other purposes herein mentioned.

A bill to repeal an act entitled an act to authorize the board of commissioners of the public roads for the county of Glynn to appropriate hands to work on Honey Gall Creek, and to establish a public landing at the bluff, and appoint commissioners for the same.

A bill to amend the charter of the city of Macon.

The rule was suspended and the following bills were introduced and severally read the first time, to wit :

By Mr. Merrill—

A bill to amend section 2406 of Irwin's Code in relation to executors *de ton tort*, and for other purposes.

Also, a bill to add an additional section to the 11th division of the Penal Code of the State of Georgia.

Also, a bill to amend 1st section of an act entitled an act for the relief of debtors, and authorize the adjustment of debts upon the principles of equity.

By Mr. Wooten—

A bill to relieve tax-payers who failed to make returns to the Tax Receivers.

By Mr. Moore—

A bill to authorize and require the Ordinary of each of the counties of Stewart and Webster to levy a tax to pay insolvent costs in certain cases.

Mr. Bruton, chairman of the special committee appointed to inquire and report what sums of money have been paid by the Georgia National Bank for interest on the daily balances of the public money, &c., made the following report :

Mr. President :

Your special committee, which was appointed "to inquire and report what sums of money have been paid by the Georgia National Bank for interest on the daily balances of the public money deposited therein, and if any has been paid, to whom, and for whose account, and if none has been paid, whether any is to be, and to whom, and for whose account," beg leave to refer to the accompanying communications as its report, and to be discharged from a further consideration of the matter.

BENJAMIN F. BRUTON, Chairman.

TREASURER'S OFFICE,

ATLANTA, GEORGIA, January 30, 1869.

*To the Honorable B. F. Bruton, Chairman, Wm. T. Winn
and W. C. Smith, Committee:*

In answer to your resolution making inquiries what sum of money has been paid to the Georgia National Bank for

interest on daily balances of the public money, and to whom, I have the honor to report: Though the Treasurer, by law, has control of the temporary deposits, or all funds except those set apart for purposes of education not required for immediate use, still I conferred with Governor Bullock and learning his preference for the Georgia National Bank, at once conformed to his wishes. The Cashier stated that he could not pay exceeding the rate of three per cent. per annum for temporary deposits, by reason of Governor Bullock wanting to borrow money, and that he would have to accommodate him; which he stated he did to the amount of seventeen thousand dollars on his, the Governor's, private account. I have secured to my individual credit, for these temporary deposits, three hundred and fifty-six and 42-100 dollars, a portion of which will finally be placed to the credit of funds set apart for purposes of education, arising from liquor tax. I cannot find that any of my predecessors ever credited the State for interest on any deposits, though Captain John Jones, according to his last report, held over four hundred and twenty thousand dollars of the cash balance of the State for many months, the interest of which must have amounted to several thousand dollars. All the funds that have come into my hands have been only temporary, for the payment of current expenses of General Assembly and interest on the public debt, and I have accordingly had to resort to my own individual funds and credit to meet these demands.

Respectfully submitted.

N. L. ANGIER, Treasurer.

GEORGIA NATIONAL BANK,

Atlanta, February 12, 1869.

*Honorable Benj. F. Bruton, Chairman of Special Committee
of Senate:*

DEAR SIR: I have received your note of this date in which you request me to state what sums of money have been paid by the "Georgia National Bank" for interest on the daily balance of public money deposited therein,

and if any have been paid, to whom, for whose account, and if none has been paid, whether any is to be, and to whom, and for whose account; and whether the rate of interest paid, if any has been, would have been greater, but for accommodations extended by the Bank to Governor Bullock.

In reply I beg leave to state that this bank has paid to the Treasurer interest on public funds as follows, viz :

November 4, 1868, interest to November 1..	\$173 32
December 12, 1868, interest to December 1.	47 58
January 9, 1869, interest to January 1...	115 20
Making a total of.	<u>\$336 10</u>

which amount was paid to the Treasurer for his individual account.

The rate of interest, after considerable negotiation, was fixed at three per cent. It was urged by the Treasurer that he ought to receive six or seven per cent., that the salary was wholly inadequate as a reasonable compensation for the duties and responsibilities of his office, and that the funds could readily be placed in this city even at better rates.

The bank objected to paying more than three per cent., as the funds could only be used for exchange purposes, and not at all as a basis for discount, as they were liable to be withdrawn without notice.

The bank further objected to paying a higher rate of interest, for the reason that it had advanced, by request of Governor Bullock, fifty-nine thousand dollars to meet the exigencies of the public service, before the present Treasurer had taken possession of his office, for which it made no charge for interest, and that the bank was liable to be called upon and would be expected to make further advances, should occasion require, (as it did again in September, to the amount of twelve thousand dollars, also without charging interest.)

These were the principal considerations presented by the parties on either side.

The bank has occasionally extended accommodations to Governor Bullock, personally, for which he has paid regular interest, never asking or receiving from the bank any consideration for the use of the public funds, pecuniary or otherwise. In short, his personal transactions with the bank had nothing to do in fixing the rate of interest to be paid by the bank to the Treasurer.

Very respectfully, your obedient servant,

E. L. JONES, Cashier.

Mr. Winn offered the following resolution, to wit:

Resolved, That N. L. Angier, Treasurer of the State of Georgia, be, and he is hereby, instructed to place the sum of three hundred and fifty-six dollars and forty-two cents, interest on the daily balances of the public funds, to the credit of the State school fund.

On motion of Mr. Harris the report, together with the resolution of Mr. Winn, was laid on the table for the present.

The Senate took up the message of the House on the resolution authorizing the Comptroller General to receive a certain per centum on the amount of Convention tax of 1868 collected by him.

On motion the resolution was concurred in, and the Secretary directed to transmit the same forthwith to the House of Representatives.

The Senate took up the bill to give physicians liens on the property of their employers.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

On motion of Mr. McWhorter, the bill was laid on the table for the present.

The Senate took up the bill to give Ordinaries of the respective counties of this State jurisdiction in cases of nuisance.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to add an additional section to the 889th paragraph of Irwin's Code.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to amend an act entitled an act to change the time of holding the Superior Courts in the Coweta Circuit.

The Judiciary Committee, to whom this bill was referred, reported the same back without recommendation.

On motion the bill was laid on the table for the present.

The Senate took up the bill to authorize the Governor to make contracts with the various railroad companies to which the State extended its aid at the last session of its Legislature, by providing for the endorsement of their bonds, to employ upon said roads a certain class of convicts now confined in the Penitentiary of this State, &c.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back without recommendation.

On motion of Mr. Harris the bill was recommitted to the Committee on the Penitentiary.

The Senate took up the bill to protect the lives of citizens of this State.

The Committee on the State of the Republic, to whom this bill was referred, reported the same back without recommendation.

On motion the bill was re-committed to the Judiciary Committee.

The Senate took up the bill to amend section 4304 of the Code of Georgia.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to abolish the liens of judgment in this State.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do not pass.

The report of the committee was agreed to, and the bill was lost.

On motion the rule was suspended and the following bills were taken up and read the second time and referred to the Judiciary Committee, to wit :

A bill to alter and amend the law in reference to arbitration and award.

A bill to require the Justice of the Peace of each militia district to furnish a list of tax-payers in each militia district to the Tax Receiver of the county.

A bill for the more efficient preservation of peace and good order on election days in said State.

A bill to prohibit the granting of licenses to retail ardent spirits in the county of Dawson, in this State.

A bill to change the law of evidence in this State.

The following bills were taken up and read the second time and referred to the Committee of the Whole, to wit :

A bill to repeal the 897th section of Irwin's Revised Code in which property exempted from levy and sale ordinarily, is exempted from levy and sale for taxes.

A bill to loan the credit of the State to the Dalton & Morgantown Railroad Company, and for other purposes.

A bill to require the Mayor and Aldermen of the city of Bainbridge to assess the value of the taxable property of said city, and for other purposes therein named.

The following bill was taken up and read the second time and referred to the Committee on Education, to wit :

A bill to provide for the payment and distribution of the poll tax of this State.

The following bill was taken up and read the second time and referred to the Committee on Petitions, to wit :

A bill to authorize Edward S. Mann, of Gordon county, to peddle without license.

The following bill was taken up and read the second time

and referred to the Committee on the State of the Republic, to wit :

A bill to change the regular time of holding the meeting of the General Assembly of Georgia.

The following bill was taken up and read the second time and referred to the Committee on Internal Improvements, to wit :

A bill to amend an act entitled an act to enable the owners of mines to draw water from branches or other head waters through or over intervening lands, approved October 10, 1868.

A bill to incorporate the Rome & Summerville Turnpike Company.

The following bill of the House was taken up and read the second time and referred to the Judiciary Committee, to wit :

A bill to alter and amend the charter of the city of Americus.

The following bill of the House was taken up and read the second time and referred to the Committee on Banks, to wit :

A bill to incorporate the Savannah Bank and Trust Company, of Savannah.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Wednesday, February 17, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Hinton, Honorable Senator from the 24th District.

The roll was called and the Journal of the previous day was read and approved.

On motion of Mr. Smith of the 36th District the Senate took from the table and referred to the Finance Committee the report of the special committee appointed to inquire

what sum of money has been paid to the Georgia National Bank for interest on daily balances of the public money, &c., together with the resolution as offered by Mr. Winn in relation thereto.

Mr. Harris, from the Committee on Finance, made the following report :

Mr. President :

The Finance Committee, to whom was referred a bill to alter section 3652 of the Code, have had the same under consideration, and recommend that it do not pass.

Also, a bill for the relief of A. Worrill, of the county of Upson, which they recommend do not pass.

Also, a resolution submitted by the committee appointed last session to investigate the condition of the Pioneer Cotton Card Manufacturing Company, recommend that it pass with the following amendment : in the 3d clause strike out all after the word resolution and insert instead thereof " the State's agent proceed to divide the property, and dispose of the State's interest therein."

JOHN HARRIS, Chairman.

Mr. Brock, chairman of the Committee on the State of the Republic, made the following report :

Mr. President :

Your committee, to whom was referred a bill to be entitled an act to change the regular time of the meeting of the General Assembly of Georgia, report the same back without recommendation.

W BROCK, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bills of the Senate, to wit :

A bill to amend an act to incorporate the Fort Valley Loan and Trust Company, assented to October 10, 1868.

They have also passed the following Senate bill with amendments :

A bill to change the time of holding the Superior Courts in the counties of Appling, Coffee, Ware, Clinch, Echols and Wayne.

Mr. McCutchen, from the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following act :

“An act to amend an act entitled an act to incorporate the Fort Valley Loan and Trust Company, assented to October 10, 1868.”

B. R. McCUTCHEN,
Chairman *pro tem.* of Committee on Enrollment.

Mr. Merrill, from the Committee on the Judiciary, made the following report :

Mr. President :

The Judiciary Committee have had under consideration the bill to incorporate the Planters' Accommodation Line Steamboat Company, and recommend the passage of the same.

W W MERRILL, Chairman.

Mr. Smith of the 36th District, Chairman of the Committee on New Counties and County Lines, made the following report :

Mr. President :

The Committee on New Counties and County Lines, to whom was referred a bill entitled an act to lay off and create a new county out of the counties of Troup and Harris, have had the same under consideration and beg leave to refer it back without recommendation.

Also, a bill to change the lines between the counties of Carroll and Paulding, which they also refer back without recommendation.

W. C. SMITH, Chairman.

The following message was received from the House of Representatives, through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bills, to wit :

A bill to repeal so much of the following act as relates to the counties of Muscogee, Macon and Richmond : " An act to provide for the levying and collecting of a tax for the payment of costs due to Clerks and Sheriffs in insolvent criminal cases, in certain counties therein mentioned.

Also, a bill to change the line between the counties of Taylor and Macon.

Also, a bill to incorporate the Georgia Life Insurance Company.

Also, a bill to authorize certain persons therein named to remove obstructions in " Gum Swamp Creek," " Little Ocmulgee River" and their tributaries ; to confer certain powers and privileges upon the same, and for other purposes.

Also, a bill to incorporate " the Savannah Manufacturing Company," and to grant to it certain rights and privileges.

Also, a bill to repeal sections 1456, 1457, 1458, 1459, 1460 and 1461 of Irwin's Revised Code, so far as relates to the counties of Monroe, Morgan, Macon and Houston, and for other purposes.

Also, a bill to change the county lines between the counties of Taliaferro and Hancock.

The following bills were taken up and read the second time and referred to the Judiciary Committee, to wit :

A bill to amend section 2406 of Irwin's Code in relation to executors *de son tort*, and for other purposes.

A bill to amend the first section of an act for the relief

of debtors, and to authorize the adjustment of debts upon the principles of equity.

A bill to add an additional section to the 11th division of the Penal Code of the State of Georgia.

The following bill was taken up and read the second time and referred to the Committee of the Whole, to wit:

A bill to establish a system of public instruction.

The following bill was taken up and read the second time and referred to the Finance Committee, to wit:

A bill to authorize and require the Ordinary of each of the counties of Stewart and Webster, to levy a tax to pay insolvent costs in certain cases.

The following bills of the House were taken up and severally read the second time and referred to the Judiciary Committee, to wit:

A bill to alter and amend an act entitled an act to amend an act entitled an act to incorporate the town of Marthasville, in the county of DeKalb, passed 23d day of December, 1843; and also to enlarge the boundary line of said town and to incorporate the same under the name of the city of Atlanta; and to change the name of the town of Rome to that of the city of Rome; to provide for the election of Mayor and City Councilmen, and other officers of said cities, and to confer upon them specified powers, and for other purposes herein mentioned.

A bill to prohibit and make penal the sale and purchase of agricultural products in the county of Lowndes, after night, by and from tenants by the year, or hired laborers, without written permission from the owner of the land on which the same was raised, or his authorized agent. •

A bill to amend the charter of the city of Atlanta, and provide for the registry of voters therein.

A bill for the relief of James O. Morton, of the county of Brooks, as administrator on the estate of C. J. English, deceased.

A bill to amend an act of October 6, 1868, entitled an act to require the Reporter of the Supreme Court to pub-

lish the decisions of the Supreme Court in pamphlet form, and to provide for the distribution of the same, and for other purposes.

A bill to amend the charter of the city of Macon.

A bill to carry into effect the thirtieth section of the first article of the Constitution of Georgia.

The following bills of the House were taken up and read the second time and referred to the Committee on Internal Improvements, to wit :

A bill to change the line between the counties of Stewart and Quitman and Miller and Baker.

A bill to change the county line between the counties of Henry and Butts.

The following bill of the House was taken up and read the second time and referred to the Committee on the State of the Republic, to wit :

A bill to bring on the election for Congressmen in the State of Georgia.

The following bill of the House was taken up and read the second time and referred to the Committee on Internal Improvements, to wit :

A bill to incorporate the Rome Iron Manufacturing Company, in the county of Floyd, and to define the rights of, privileges and liabilities of the same.

The following bill of the House was taken up and read the second time and referred to the Committee of the Whole, to wit :

A bill to amend an act incorporating the Brunswick & Florida Railroad Company, assented to December 22, 1835, &c.

The following bill of the House was taken up and read the second time and referred to the Committee on Agriculture and Manufactures, to wit :

A bill to repeal an act entitled an act to authorize the board of commissioners of the public roads for the county of Glynn to appropriate hands to work on Honey Gall Creek, and to establish a public landing at the bluff, and appoint commissioners for the same.

The following bill was taken up and read the second time and referred to the Finance Committee, to wit:

A bill to relieve tax-payers who failed to make returns to the Tax Receiver.

The rule was suspended, and the following bills were introduced and severally read the first time, to wit:

By Mr. Hinton—

A bill to repeal section 1st of article 6 of the Constitution of the State of Georgia.

By Mr. Harris—

A bill to explain section 813 of Irwin's Code.

By Mr. McWhorter—

A bill to regulate contracts for labor.

The Senate took up, as the report of the Committee of the Whole, the bill to repeal the 897th section of Irwin's Revised Code, in which property exempted from levy and sale ordinarily is exempted from levy and sale for taxes.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill authorizing county officers in this State to publish notices and advertisements in the newspaper or gazette having the largest circulation and published within sixty miles of their respective offices, and empowering the several Ordinaries of this State to issue cost executions against all executors, administrators, trustees and their securities.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to authorize the Ordinaries of the counties of Spalding, Jasper, Morgan and Putnam to levy a tax to pay fifty per cent. of insolvent criminal costs accrued in said counties since the first day of June, 1865.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do not pass.

The report of the committee was agreed to, and the bill was lost.

The Senate took up, as the report of the Committee of the Whole, the bill to change the streets and alleys in the town of Dawsonville, and for other purposes.

On motion of Mr. Richardson the bill was laid on the table for the present.

The Senate took up, as the report of the Committee of the Whole, the bill to repeal an act to provide for the election of a superintendent of public roads and bridges, so far as it relates to the county of Muscogee, approved March 10, 1866.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the bill to incorporate the Georgia Importing Guano Company.

Mr. Candler proposed to amend by inserting the name of Wm. M. Tumlin as one of the incorporators.

On motion the amendment was agreed to.

The report of the committee as amended was agreed to and the bill as amended was read the third time and passed.

The Senate took up the bill to amend section 798 of the Code of Georgia by striking out from said section the words "or bonds of the United States."

The Finance Committee, to whom this bill was referred reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to incorporate the Columbus & West Point Railroad Company

The Committee on Internal Improvements, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the message of the House on the bill to change the time of holding the Superior Courts in

the counties of Appling, Coffee, Ware, Clinch, Echols and Wayne, to which the House proposed certain amendments.

On motion the Senate concurred in the amendments as proposed by the House, and the Secretary was directed to transmit the action of the Senate forthwith to the House of Representatives.

The Senate took up, as the report of the Committee of the Whole, the bill to authorize Josiah J. Everett to settle with his ward, Charles E. Platt.

Mr. Speer proposed the following amendment, to wit: "*Provided*, That his guardians and sureties are personally liable for the effects of said ward until he arrives to the age of twenty-one years."

After debate the question was put upon the amendment of Mr. Speer, which was lost.

The question was then put upon the passage of the bill, and the bill was lost.

The following message was received from the House of Representatives through Mr. Hardin, their Clerk:

Mr. President:

The House of Representatives has adopted the following resolution, which I am directed to transmit forthwith to the Senate, to wit:

"A resolution requesting the Senate to return to the House a bill to be entitled an act to change the line between the counties of Hancock and Taliaferro."

On motion the Senate took up the message of the House, just received, requesting the return of a certain bill therein named.

On motion the request was granted, and the Secretary was directed to transmit the same forthwith.

The Senate took up the bill to authorize the State to build a branch railroad from the Western & Atlantic Railroad at Kingston, Bartow county, to the town of Van Wert, in Polk county, to be exclusively the property of the State.

The Committee on Internal Improvements, to whom this bill was referred, reported adversely to its passage.

Mr. Brock moved to disagree to the report of the committee, which motion was lost.

After debate, on motion of Mr. Burns, the bill was laid on the table for the present.

Mr. Wooten offered the following resolution, which was taken up, read and adopted, to wit:

Resolved by the Senate and House of Representatives, That a committee of two from the Senate, to act with such committee as may be appointed by the House, be appointed to examine into the business now before the Legislature, and to designate in their report the earliest practicable day for adjournment.

The Chair announced as the committee under the foregoing, on the part of the Senate, Messrs. Wooten and Richardson.

On motion the Secretary was directed to transmit the same forthwith to the House of Representatives.

The Senate took up the bill to incorporate the Independent Telegraph Company, and for other purposes.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

Mr. Bowers offered the following resolution, to wit:

Resolved, That Charles Patterson (colored) receive an advance of fifty dollars for his services in the Senate Chamber, and that the Secretary of the Senate be directed to issue the usual certificate therefor.

Pending consideration of which, the hour having arrived, the President announced the Senate adjourned until tomorrow morning, at ten o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Thursday, February 18, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Smith, Honorable Senator from the 7th District.

The roll was called and the Journal of the previous day was read and approved.

Mr. Smith of the 7th District moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to authorize Josiah J. Everett to settle with his ward, Charles E. Platt.

After debate Mr. Winn moved to lay the motion on the table, which motion was lost.

After debate Mr. Speer called for the previous question, which being sustained, the main question was ordered upon the motion to reconsider, which was agreed to.

Mr. Speer then proposed the following amendment, to be known as section second, to wit :

“The provisions of this act shall be extended to every guardian and ward in the State who desire to avail themselves of the provisions of this act, and more especially for the benefit of those minors who are married.”

After debate Mr. Wooten moved to postpone the bill indefinitely ; whereupon the yeas and nays were required to be recorded, and are yeas 17, nays 16.

Those voting in the affirmative are—

Messrs. Adams, Adkins, Bowers, Bruton, Dickey, Harris, Jordan, Lester, Merrill, McCutchen, Sherman, Smith 36th, Speer, Wellborn, Welch, Winn, Wooten.

Those voting in the negative are—

Messrs. Anderson, Burns, Collier, Fain, Griffin 21st, Hicks, Hinton, Holcombe, Hungerford, Jones, McArthur, McWhorter, Moore, Nunnally, Richardson, Smith 7th.

So the bill was indefinitely postponed.

Mr. McCutchen, from the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate, the following resolution :

A resolution authorizing the Comptroller General to receive a certain per centum on the amount of Convention tax of 1868 collected by him.

B. R. McCUTCHEN, Chairman *pro tem*.

Mr. Smith of the 36th District, chairman of the Committee on New Counties and County Lines, made the following report:

Mr. President:

The committee to whom was referred a House bill to be entitled an act to change the lines between the counties of Henry and Butts, have had the same under consideration and recommend it do pass.

Also, a bill to change the lines between the counties of Stewart and Quitman and Miller and Baker, which they recommend do pass with the following amendment: "strike out all of said bill which refers to Miller and Baker counties."

W. C. SMITH, Chairman.

Mr. Merrill, from the Committee on the Judiciary, made the following report:

Mr. President:

The Judiciary Committee, to whom was referred a bill of the House of Representatives to amend an act entitled an act to define the qualifications of voters at the elections to be held in the city of Columbus for Mayor and Aldermen, and other officers in said city, whose election is given to said voters by law; and to provide for the registry of all persons entitled to vote at the election for city officers, assented to April 14, 1863, and also to provide for the holding of a special election in said city, and also the city of Milledgeville, in this State, for the election of officers for the year 1869, have had the same under consideration and recommend that it do pass with an amendment.

The following bill they also recommend do pass with an amendment, to wit:

A bill to carry into effect section 8, article 2d of the Constitution of this State.

The bill to provide for the election of Justices of the Peace and Constables throughout the State, they recommend do pass.

The Senate bill to provide for the election of Justices of the Peace for each militia district they recommend do not pass, as the foregoing House bill has been reported upon favorably.

The following Senate bills they recommend do pass, to wit :

A bill to incorporate the Georgia Baptist Aid Society.

A bill for the more efficient preservation of peace and good order on election days in this State.

A bill to require the Justices of the Peace of each militia district to furnish a list of tax-payers in each militia district to the Tax Receiver of the county.

A bill to authorize the Judges of the Superior Courts at chambers to hear and determine demurrers to bills in equity, and hear and determine motions to make and change orders appointing receivers upon certain conditions.

The following bills they recommend do not pass, to wit :

A bill to amend section 3496 of Irwin's Code in relation to garnishments.

A bill to change the law of evidence in this State.

A bill to give aid to prisoners in common jails.

A bill to require plaintiffs in *fi. fas.* to pay the fees for advertising all sales of lands to be made by them, in advance.

W W MERRILL, Chairman.

The following message was received from the House of Representatives, through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bills, to wit :

A bill to incorporate the Central Georgia Banking Company and the Muscogee Banking Company.

Also, a bill to **provide** for the foreclosure of mortgages on personal property in this State, and for other purposes.

Mr. McCutchen, from the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment beg leave to make the following report :

The Committee on Enrollment hereby certify to the Senate that they have examined the following-named persons presented by the Secretary to be employed as subordinate clerks, viz :

R. B. Knight, G. W. Merrill, G. W. Speer, J. R. Wooten, Volney Spaulding, M. M. Johnson, James L. Dickey, R. A. Crawford, John T. Black, James A. Moore, Isaac P. Harris, W. W. Erwin, W. E. Helcombe, Wm. Doty, M. H. McWhorter, W. B. Hinton, James L. Johnson, E. H. Pritchett, B. H. Miller, to the end that they may be appointed by the Secretary of the Senate as subordinate clerks, and find them competent and qualified for the discharge of the duties that may be required of them by said Secretary.

While, in the judgment of your committee, the number above-mentioned is larger than *absolutely necessary*, your committee feel they have no discretionary power in determining the number, by reason of a resolution passed on the 25th ultimo, in which the Senate gave the Secretary discretionary power to appoint such number as he might deem necessary, or words to this effect, against the report of your committee recommending the number not to exceed five. After the Secretary had made the above appointments, the Senate, by a subsequent resolution, ratified the same, hence your committee deemed it only their present duty to examine into and report upon the qualifications of the persons presented to them by the Secretary as his subordinate clerks.

All of which is respectfully submitted.

B. B. McCUTCHEN, Chairman *pro tem*.

On motion the rule was suspended, and Mr. Merrill offered the following resolution, to wit:

WHEREAS, An act has passed both branches of the General Assembly, and has received the approval of his Excellency the Governor, "to provide for the organization of juries to serve in the Superior Court, and for other purposes;" and whereas, it is important that the same may be made public, in order that the proper officers may prepare juries for the coming courts in conformity to said act;

Resolved by the General Assembly convened, That his Excellency the Governor be, and he is hereby, authorized and requested to cause said act to be published in one or more of the newspapers published in the cities of Atlanta, Augusta, Savannah, Macon and Columbus.

Mr. Wellborn offered the following as a substitute, which was accepted by Mr. Merrill, to wit:

"Resolved, That the Governor be, and he is hereby, requested to have three hundred copies of said bill published, and sent by mail to the Ordinaries of each county."

On motion the resolution was adopted.

Mr. Harris, from the Committee on Finance, made the following report:

Mr. President:

The Committee on Finance, to whom was referred "a resolution instructing the State Treasurer to pay bonds of the State which matured in July, 1868," have had the same under consideration and recommend that it do not pass.

Also, "a bill to be entitled an act to carry into effect the report of the special committee on the accounts of the late Treasurer and Comptroller General," which they recommend do not pass, and in lieu thereof respectfully recommend the adoption of the accompanying resolution offered by your committee.

JOHN HARRIS, Chairman.

A RESOLUTION.

WHEREAS, The former Treasurer has had no settlement with the present Treasurer because of the unsettled condition of the country, be it therefore

Resolved by the Senate and House of Representatives, That the present Treasurer and Comptroller General and the former Treasurer, Mr. Jones, proceed at once to settle, according to section 89 of Irwin's Revised Code, without giving the ten days' notice as required in said section.

On motion of Mr. Burns the report, and the resolution accompanying the same, was laid on the table for the present.

The rule was suspended, and the Senate took up the bill of the House to amend an act entitled an act to define the qualifications of voters at the elections to be held in the city of Columbus for Mayor and Aldermen, and other officers in said city, whose election is given to said voters by law, and to provide for the registry of all persons entitled to vote at elections for city officers, &c., assented to April 14, 1863, and also to provide for the holding of a special election in said city, and also the city of Milledgeville, in this State, for the election of officers for the year 1869.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass with the following amendment, to wit :

Amend section second by striking out all after the words "poll tax" to the words and "no registry."

The report of the committee was agreed to, and the bill as amended was read the third time and passed.

On motion the Secretary was directed to transmit the same forthwith to the House of Representatives.

The Senate took up, as the report of the Committee of the Whole, the bill of the House to amend an act incorporating the Brunswick & Florida Railroad Company, assented to December 22, 1835, &c.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to re-convey property to the heirs of Samuel Mitchell, and to repeal the act passed in 1859 in regard to said property.

Mr. Holcombe moved to make the bill the special order for the first Monday in August next, which motion was lost.

On motion of Mr. Lester, the bill was made the special order for to-morrow, immediately after the reading of the Journal.

On motion the Senate took up from the table the bill to incorporate the Atlanta Water Company. ' .

On motion the bill was recommitted to the Committee on Internal Improvements.

The Senate took up the message of the House on the resolution submitted by the committee appointed last session to investigate the condition of the Pioneer Cotton Card Manufacturing Company.

On motion the resolution was recommitted to the Finance Committee.

The Senate took up the bill to prevent monopolies, and to tax certain railroad stock.

On motion the bill was made the special order for Mon-next, and fifty copies ordered to be printed for the use of the Senate.

The Senate took up the bill to incorporate the Planters' Accommodation Line Steamboat Company.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The following bills of the House were taken up and read the first time, to wit :

A bill to incorporate the Central Georgia Banking Company and the Muscogee Banking Company.

A bill to provide for the foreclosure of mortgages on personal property in this State, and for other purposes.

A bill to incorporate the Georgia Life Insurance Com-
pany.

A bill to repeal sections 1456, 1457, 1458, 1459, 1460, 1461 of Irwin's Revised Code so far as relates to the counties of Monroe, Morgan, Macon and Houston, and for other purposes.

A bill to authorize certain persons therein named to remove obstructions in "Gum Swamp Creek," "Little Ocmulgee river" and their tributaries; to confer certain powers and privileges upon the same, and for other purposes.

A bill to repeal so much of the following act as relates to the counties of Muscogee, Macon and Richmond: "An act to provide for the levying and collection of tax for the payment of costs due Clerks and Sheriffs in insolvent criminal cases in certain counties therein mentioned."

A bill to change the line between the counties of Taylor and Macon.

A bill to incorporate the Savannah Manufacturing Company, and to grant to it certain rights and privileges.

The following bills were introduced and severally read the first time, to wit:

By Mr. Stringer—

A bill to make permanent the site for the public buildings in the village of Gainesville in the county of Hall, and to incorporate the same with amendments, assented to severally November, 1821, 1823 and 1832, and for other purposes therein named.

By Mr. Burns—

A bill to loan the credit of the State to the Cartersville & Van Wert Railroad Company.

By Mr. Speer—

A bill to prevent the various railroad companies in this State from being responsible for the killing of any and every species of stock running at large in this State.

By Mr. Lester—

A bill to authorize and require the payment into the city treasury of Savannah of the remnant of the fund raised

under the act of the sixteenth day of February, eighteen hundred and fifty-six, for the building of a new jail for Chatham county, and to require the City Council of Savannah to apply said remnant of said fund to the repairing and enlargement of the jail of said county.

The Senate took up the bill of the House to incorporate the town of Trion, in the county of Chattooga.

The Committee on Agriculture and Manufactures, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion the Secretary was directed to transmit the foregoing bill forthwith to the House of Representatives.

The Senate took up the bill to be entitled an act to change the regular time of the meeting of the General Assembly of Georgia.

Mr. Holcombe proposed to amend the bill by striking out the words "second Wednesday" and insert "first Wednesday" in lieu thereof, which was agreed to.

The Committee on the State of the Republic, to whom this bill was referred, reported the same back without recommendation.

On motion of Mr. Moore the bill, as amended, was read the third time and passed.

The Senate took up the bill to incorporate the Augusta & Louisville Railroad Company, and to confer certain privileges and powers upon the same.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the bill to establish a system of public instruction.

On motion the same was made the special order for Tuesday next, immediately after the reading of the Journal.

The Senate took up the bill to incorporate the Atlanta Manufacturing Company.

The Committee on Agriculture and Manufactures, to whom this bill was referred, reported the same back with the recommendation that it do pass, with the following amendment, to wit: Change the caption of the same to read as follows: "An Act to incorporate the Atlanta Acid and Fertilizing Company, and for other purposes therein named;" amend the first section by striking out "Atlanta Manufacturing Company," and insert in lieu, "Atlanta Acid and Fertilizing Company;" amend the third section in the line next to the last, after the word "the," by striking out the remainder of the section and insert in lieu the words "period of ten years." Add a fourth section, as follows: "All laws and parts of laws conflicting with this act are hereby repealed."

Mr. Anderson proposed to amend by inserting the following as an additional section, to wit: "The same powers and privileges as conferred by this bill upon the Atlanta Manufacturing Company to manufacture sulphuric and other acids and fertilizers, be and the same are hereby conferred upon the Macon Manufacturing Company, which shall be composed of the following named persons and their successors, to wit: O. G. Sparks, S. J. Gustin, H. G. Cutter, William J. Anderson, L. M. Felton and Asher Ayres, and such other persons as may be associated with them."

Mr. Holcombe proposed to amend by striking out, in the second section, all after the word "aforesaid," in the ninth line. After debate, the previous question was called, and being sustained, the main question was put upon the amendment of Mr. Holcombe, which was lost.

The question was then put upon the amendment as offered by Mr. Anderson, which was agreed to.

The report of the committee, as amended, was agreed to, and upon the passage of the bill the yeas and nays were required to be recorded, and are yeas 23, nays 9.

Those voting in the affirmative are—

Messrs. Adams, Anderson, Bowers, Burns, Candler, Collier, Dickey, Gignilliat, Griffin 21st, Hinton, Hungerford.

Jones, Jordan, Lester, McArthur, McWhorter, Moore, Nunnally, Smith 36th, Speer, Wellborn, Welch, Wooten.

Those voting in the negative are—

Messrs. Brock, Fain, Harris, Holcombe, Merrill, Richardson, Smith 7th, Stringer, Winn.

So the bill, as amended, was passed under the following title, to wit: "An Act to incorporate the Atlanta Acid and Fertilizing Company, and the Macon Manufacturing Company, and for other purposes therein named."

Mr. Wooten offered the following resolution, which was taken up, read and adopted, to wit:

Resolved by the Senate and House of Representatives, That a joint committee, to consist of four from the Senate and seven from the House, be appointed, with power to send for persons and papers, whose duty it shall be to examine into the claims of the Brunswick & Albany Railroad against the State of Georgia, and report upon the same at as early a day as practicable.

The Chair announced as the committee under the above, on the part of the Senate, Messrs. Wooten, Welch, Fain and Wellborn.

The hour having arrived, the President declared the Senate adjourned until to-morrow morning at ten o'clock.

SENATE CHAMBER, ATLANTA, GA.,
Friday, February 19, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Adams, Honorable Senator from the 20th District.

The roll was called and the Journal of the previous day was read and approved.

On motion the rule was suspended and Mr. Speer offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That a seat on the floor of the Senate be tendered to Hon. Joe McWhorter, of the county of Oglethorpe.

Mr. Burns, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to change the regular time of the meeting of the General Assembly.

The motion to reconsider prevailed.

On motion of Mr. Burns the bill was referred to the Judiciary Committee.

The following message was received from his Excellency the Governor through Mr. de Graffenried, his Secretary, to wit :

Mr. President :

The Governor has approved and signed the following acts, to wit :

An act to change the time of holding the Superior Courts in the counties of Appling, Coffee, Ware, Clinch, Echols, Glynn, Wayne, Camden, Charlton, Pierce and Muscogee.

Also, an act to amend an act entitled an act to incorporate the Fort Valley Loan and Trust Company, assented to October 10th, 1868.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has concurred in the Senate's amendment of the following House bill, to wit :

A bill to amend an act entitled "an act to define the qualifications of voters at the elections to be held in the city of Columbus for Mayor and Aldermen, and other officers in said city whose election is given to said voters by law, and to provide for the registry of all persons entitled to vote at elections for city officers, &c., assented to April 14, 1863; and also to provide for the holding of a special election in said city, and also the city of Milledgeville, in this State, for the election of officers for the year 1869."

Mr. McCutchen, from the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, and signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate, the following acts :

An act to amend an act incorporating the Brunswick and Florida Railroad Company, assented to December 22, 1835.

An act to incorporate the town of Trion, in Chattooga county.

B. R. McCUTCHEN, Chairman *pro tem*.

Mr. McCutchen, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House, and ready for the signature of the President of the Senate :

An act to change the time of holding the Superior Court in the counties of Columbia, Washington, Johnson and Emanuel, of the Middle Circuit.

B. R. McCUTCHEN, Chairman *pro tem*.

Mr. Merrill, from the Committee on the Judiciary, made the following report :

Mr. President :

The Judiciary Committee, to whom was referred a bill in relation to the statute of limitations, and for other purposes, report the same back without recommendation.

The following bill of the Senate they recommend do not pass, to wit :

A bill to exempt from the payment of poll tax all blind persons not possessed of more than five hundred dollars estate.

Also, a resolution in reference to making valid the acts of former Justices of the Peace.

The bill to authorize Ordinaries of the several counties of the State to appoint commissioners to ad-measure, lay off and assign dower, they recommend do pass.

The following bills of the House of Representatives they recommend do not pass, to wit :

A bill for the relief of James O. Morton, of the county of Brooks, as administrator on the estate of C. J. English, deceased.

A bill to prohibit and make penal the sale and purchase of agricultural products in the county of Lowndes, after night, by and from tenants by the year, or hired laborers, without written permission in writing from the owner of the land on which the same was raised, or his authorized agent.

A bill to change the line between the counties of DeKalb and Clayton.

They also recommend the passage of the following bills of the House of Representatives, to wit : -

A bill to amend an act entitled an act to incorporate the town of Marthasville, in the county of DeKalb, passed 23d day of December, 1843 ; and also to enlarge the boundary lines of said town and to incorporate the same under the name of the city of Atlanta ; and to change the name of the town of Rome to that of the city of Rome ; to provide for the election of Mayor and City Councilmen, and other officers of said cities, and to confer upon them specified powers, and for other purposes herein mentioned.

A bill to amend an act of October 6, 1868, entitled an act to require the Reporter of the Supreme Court to publish the decisions of the Supreme Court in pamphlet form, and to provide for the distribution of the same, and for other purposes.

W. W. MERRILL, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bills, to wit :

A bill to legalize the election of James Buchanan as Sheriff of Randolph county.

Also, a bill to allow John Taylor and others to peddle without a license in this State.

Also, a bill to amend section 569 of Irwin's Code.

They have also passed the following bills of the Senate, to wit :

A bill to incorporate the Atlanta Cotton Factory Company.

Also, a bill to authorize the consolidation of the Charlotte & South Carolina Railroad Company, and the Columbia & Augusta Railroad Company, and amending the charter thereof.

Also, a bill to incorporate the Commercial Banking Company in the city of Griffin, by a constitutional majority of yeas 124, nays 0.

They have also adopted the following resolution, to wit :

A resolution that a joint committee from the House and Senate be appointed to investigate and report upon the claims of the Brunswick & Albany Railroad against the State of Georgia.

They have also concurred in the following resolution of the Senate.

A resolution appointing joint committee to designate the earliest practicable day for adjournment, and have appointed on the part of the House Messrs. Hudson, Anderson and Maxwell.

They have also adopted the following resolutions, to wit :

A resolution authorizing his Excellency the Governor, to accept the surrender of the charter of "The Planters' Bank of the State of Georgia."

Also, a resolution to appoint a committee to report what legislation, if any, is necessary to secure the State from the loss of \$35,000 alleged to have been illegally drawn from the treasury.

Mr. McCutchen, Chairman *pro tem.* of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following act :

“ An act to change the time of holding the Superior Courts in the counties of Appling, Coffee, Ware, Clinch, Echols, Glynn, Wayne, Camden, Charlton, Pierce and Muscogee.”

B. R. McCUTCHEN, Chairman *pro tem*.

Leave of absence was granted Senators Brock, Collier, Jordan and Wooten, for a few days.

Mr. Winn moved to reconsider the special order set apart for the day, the same being the bill to re-convey property to the heirs of Samuel Mitchell, and to repeal the act passed in 1859 in regard to said property.

After debate the previous question was called for, and the call being sustained, the main question was ordered upon the motion of Mr. Winn ; whereupon the yeas and nays were required to be recorded, and are yeas 20, nays 14.

Those voting in the affirmative are—

Messrs. Adams, Adkins, Anderson, Bowers, Bruton, Burns, Candler, Dickey, Harris, Holcombe, Lester, Merrill, McCutchen, Sherman, Smith 7th, Smith 36th, Stringer, Welch, Winn, Wooten.

Those voting in the negative are—

Messrs. Collier, Fain, Gignilliat, Griffin 21st, Hinton, Hungerford, Jones, McArthur, McWhorter, Moore, Nunnally, Richardson, Speer, Wellborn.

So the motion to reconsider the special order prevailed.

Mr. Winn then moved to recommit the bill to the Judiciary Committee, which motion was not agreed to.

Mr. Harris then offered the following resolution, to wit :

Resolved, That the Superintendent of the Western & Atlantic Railroad be requested to communicate to the Senate any information in his possession bearing upon the

proposition now before this body, to release to the heirs of Samuel Mitchell a portion of the real estate now the property of the State for the use of said road.

Mr. Nunnally moved to amend by requesting the Superintendent of the Western & Atlantic Railroad to furnish such information as he may have in his possession touching the matter by to-morrow morning.

Mr. Holcombe moved to amend by giving the said Superintendent until Thursday next to furnish any information he may have on the subject, and that the bill be made the special order for that day, immediately after the reading of the Journal.

Mr. Wellborn offered the following resolution, to-wit :

Resolved, That the bill rétroceding certain property to Jane L. Mitchell and heirs be recommitted to the special committee ; that the Senate committee be required, and the House committee requested, to meet this evening, and that the chairman be requested to call said committee together this afternoon, at some stated hour, to hear such testimony as the Superintendent of the Western & Atlantic Railroad may desire to submit, and that said committee report to-morrow morning.

Mr. Hinton offered the following as a substitute for the whole, to wit :

Resolved, That the resolution offered by the Senator from the 27th, the resolution of the Senator from the 40th District, together with the amendment, and the subject-matter under consideration, be referred to the Judiciary Committee.

After debate the question was put upon the substitute of Mr. Hinton, which was lost.

The question was then put upon the amendment of Mr. Wellborn, which was adopted.

On motion the rule was suspended and the following bill of the House was taken up and read the first time, to wit :

A bill to legalize the election of James Buchanan as Sheriff of Randolph county.

The Senate took up the message of the House on the resolution authorizing his Excellency the Governor to accept the surrender of the charter of the Planters' Bank of the State of Georgia.

On motion the same was referred to the Judiciary Committee.

The Senate took up the message of the House on the resolution : "That a joint committee from the House and Senate be appointed to investigate and report upon the claims of the Brunswick & Albany Railroad against the State of Georgia.

On motion the resolution was concurred in.

The Chair announced as the committee under the foregoing, on the part of the Senate, Messrs. Wooten, Welch, Fain and Wellborn.

The Senate took up the message from the House on the resolution to appoint a committee to report what legislation, if any, is necessary to secure the State from the loss of \$35,000 alleged to have been illegally drawn from the treasury.

On motion the resolution was concurred in.

The Chair announced as the committee under the foregoing, on the part of the Senate, Messrs. Smith 36th and Fain.

The Senate took up the bill of the House to change the line between the counties of Stewart and Quitman and Miller and Baker.

The Committee on New Counties and County Lines, to whom this bill was referred, reported the same back with the recommendation that it do pass with the following amendment, to wit :

Strike out "second section."

The report of the committee was agreed to. The bill, as amended, was read the third time and passed under the following title, to wit :

"A bill to change the line between the counties of Stewart and Quitman.

The Senate took up the unfinished business of Wednesday, the same being the resolution as offered by Mr. Bowers in relation to advance pay to Charles Patterson, (colored.)

Mr. Holcombe proposed the following amendment, which was accepted by Mr. Bowers, to wit :

Resolved by the Senate, That the Messenger be authorized to employ Charles Patterson to assist him, at a sum of not more than three dollars per day, and that he be forbidden employing any one else at public expense.

On motion the resolution as amended was adopted.

The Senate took up the bill to declare the buying or selling of cotton in the seed unlawful, and any person or persons buying the same guilty of a misdemeanor, and to prescribe the punishment for the offense.

On motion the bill was laid on the table for the present.

The Senate took up the bill to alter and amend section 3496 of Irwin's Revised Code in reference to garnishments by adding to said section the words unless their daily wages exceed two dollars per day, their weekly wages twelve dollars per week, and their monthly wages fifty dollars per month."

Mr. Wellborn proposed the following amendment, to wit :

"Provided, That the excess of wages over and above the amount herein specified shall alone be subject to such garnishment."

Mr. Merrill proposed the following as an additional amendment, to wit :

"Provided, That this act shall not apply to debtors owning less than three thousand dollars worth of property in specie.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

Mr. Speer moved to disagree to the report of the committee, which motion prevailed.

After debate the question was put upon the amendment of Mr. Merrill, which was lost.

The question was then put upon the amendment of Mr. Wellborn, which was adopted.

The bill as amended was read the third time, and upon the question "shall this bill now pass as amended?" the yeas and nays were required to be recorded, and are yeas 13, nays 18.

Those voting in the affirmative are—

Messrs. Adams, Fain, Gignilliat, Griffin 21st, Hicks, Hinton, Lester, McArthur, Moore, Nunnally, Smith 36th, Speer, Wellborn.

Those voting in the negative are—

Messrs. Bowers, Bruton, Burns, Candler, Dickey, Holcombe, Hungerford, Jones, Merrill, McCutchen, McWhorter, Richardson, Sherman, Smith 7th, Stringer, Welch, Winn, Wooten.

So the bill was lost.

Mr. Speer gave notice that he would move to reconsider the action of the Senate on the foregoing bill on to-morrow morning.

The hour having arrived, the President declared the Senate adjourned until to-morrow morning at ten o'clock.

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SENATE CHAMBER, ATLANTA, GA.,

Saturday, February 20, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Smith, Honorable Senator from the 7th District.

The Journal of the previous day was read and approved.

Senators Anderson and Richardson were granted leave of absence for a few days.

Mr. Smith of the 36th District moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the resolution "to appoint a committee to report what legislation, if any, is necessary to secure the State from the loss of \$35,000 alleged to have been illegally drawn from the treasury.

After debate Mr. Adkins called for the previous question, which being sustained, the main question was ordered upon the motion to reconsider; whereupon the yeas and nays were required to be recorded, and are yeas 18, nays 11.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Brock, Bruton, Dickey, Fain, Hungerford, Jones, Merrill, McArthur, McCutchen, McWhorter, Richardson, Sherman, Smith 7th, Smith 36th, Speer, Welch.

Those voting in the negative are—

Messrs. Burns, Candler, Gignilliat, Griffin 21st, Hinton, Holcombe, Lester, Moore, Stringer, Wellborn, Winn.

So the motion to reconsider prevailed.

Mr. Smith of the 7th District, chairman of the Auditing Committee, made the following report:

To the Senate:

The Auditing Committee, to whom was referred a response in writing of the Secretary to a resolution of the Senate, adopted the 12th instant, requiring him to "furnish the Senate with the names of all clerks in his department, and also when they were examined and sworn in," make the following report:

The response of the Secretary fails to furnish the Senate the information required by its resolution, and evades the requisition upon him by cavalierly informing the Senate where, by search, the information may be had.

Your committee, believing it was important to the Senate that at least the number of persons employed as clerks in the Senate should be known, made inquiry in the direction suggested by the Secretary and found in the Treasurer's office a certified list of twenty-six persons as employed clerks in the Senate during the present session; this certificate given by the Secretary on the 10th instant. In addition to the above twenty-six clerks there are two other clerks employed, so that, with the Secretary of the Senate, there are employed in the Senate twenty-eight. For the employment of this number your committee does:

not believe there is satisfactory authority for more than fourteen. The Constitution authorizes the election and employment of seven clerks, which "number shall not be increased except by a vote of the" Senate. For this increase of twenty-one clerks the only vote of the Senate authorizing it are the resolutions of the Senate adopted respectively January the 25th and January 29th. The resolution of the 25th authorized the appointment of not exceeding five additional clerks, not to be appointed until examination had by the Enrolling Committee, and their competency certified to by that committee, with authority to Secretary from time to time to employ such additional clerks as the exigencies of the business of his department may require, subject to the approval of the Senate.

The resolution of the 29th of January approved the appointment of clerks by the Secretary of the Senate made under the provisions of the resolution passed by the Senate on the 25th January. Though the resolution of the 25th directed that the clerks to be employed should be declared competent after examination by the Enrolling Committee, no examination was had until the 17th day of February, when the Enrolling Committee had presented to them nineteen persons for examination as clerks. For many days these nineteen persons had thus been employed by the Secretary in violation of law and the express direction of the Senate. For this number of nineteen clerks there is no approval by the Senate by name or number further than five. Your committee cannot believe the Senate ever intended to authorize the employment of so large a number of clerks, not having information of their names or competency. It is not believed the necessities of the clerical department could have so suddenly and greatly increased.

An inquiry into the business of the Senate, and of the clerical force employed by previous State Legislatures, as the fact the other branch of this General Assembly, with almost four times as many members as the Senate, has employed only fifteen clerks, convinces your committee

that the number of persons employed as clerks in the Senate is much larger than the business requires.

Your committee think they would be wanting in duty if they did not express the opinion that the response of the Secretary, his action in appointing clerks without examination by the Enrolling Committee or express approval of the Senate, indicates a desire to employ a larger number of clerks than the Senate intended to approve, and has kept from the Senate a knowledge of the number employed.

Your committee recommend the adoption of the accompanying resolution with this report :

Resolved, That the Secretary of the Senate be directed to discharge at once fourteen of the persons employed by him as additional clerks ; and that a list of persons retained by him as clerks be entered upon the Journals, with the date of their examination by the Enrolling Committee and employment by him, and when they actually commenced to work.

M. C. SMITH, Chairman.

On motion the report was taken up.

Mr. Wellborn offered the following resolution, to wit :

WHEREAS, Dissatisfaction has been expressed at the number of clerks appointed by the Secretary of the Senate ; and whereas, it is necessary that the correctness of said complaints should be looked into by the Senate, and, if found necessary, a reduction of the number of clerks made ; therefore

Be it resolved, That a special committee of five be appointed to take into consideration the amount of clerical labor that may be reasonably expected for the remainder of the present session, and what deduction should be made in the present force and in what manner it should be made.

Mr. Candler moved the adoption of the resolution as reported by the Auditing Committee in the foregoing report, in lieu of the resolution as offered by Mr. Wellborn.

After debate Mr. Nunnally called for the previous question, which being sustained, the main question was ordered

nays were required to be recorded, and are yeas 13, nays 19.

Those voting in the affirmative are—

Messrs. Adkins, Brock, Bruton, Burns, Candler, Griffin 21st, Hicks, Holcombe, Lester, McCutchen, Smith 7th, Stringer, Winn.

Those voting in the negative are—

Messrs. Adams, Bowers, Dickey, Fain, Gignilliat, Hinton, Hungerford, Jones, Merrill, McArthur, McWhorter, Moore, Nunnally, Richardson, Sherman, Smith 36th, Speer, Wellborn, Welch.

So the motion of Mr. Candler to adopt the resolution as reported by the Auditing Committee, in lieu of the resolution of Mr. Wellborn, was lost.

The question was then put upon the adoption of the resolution of Mr. Wellborn; whereupon the yeas and nays were required to be recorded, and are yeas 28, nay 3.

Those voting in the affirmative are—

Messrs. Adams, Adkins, Bowers, Brock, Bruton, Candler, Dickey, Fain, Gignilliat, Griffin 21st, Hinton, Holcombe, Hungerford, Jones, Lester, Merrill, McArthur, McCutchen, McWhorter, Moore, Nunnally, Richardson, Sherman, Smith 36th, Speer, Stringer, Wellborn, Welch.

Those voting in the negative are—

Messrs. Hicks, Smith 7th, Winn.

So the resolution of Mr. Wellborn was adopted.

The Chair announced as the committee under the foregoing resolution of Mr. Wellborn, Messrs. Wellborn, Hinton, Adams, Nunnally and Dickey.

Mr. Fain, from the special joint committee to whom was referred the bill "to re-convey property to the heirs of Samuel Mitchell, and to repeal the act passed in 1859 in regard to said property," made the following report:

Mr. President:

The committee to whom was recommitted the claim of the heirs of Samuel Mitchell, after having had the same under consideration with the facts for and against the claim, and unanimously recommend the passage of the

bill now before the Senate re-conveying the property claimed.

•
J. C. FAIN,
Chairman Senate Committee.
O. G. SPARKS,
Chairman House Committee.

On motion of Mr. Wellborn the report was taken up.

Mr. Candler moved to make the bill the special order for Wednesday next immediately after the reading of the Journal, which was agreed to.

Mr. Wooten, from the joint committee on adjournment, made the following report :

Mr. President :

The committee appointed to examine the business now before the General Assembly and to designate the earliest practicable day for adjournment, ask leave to report that they have performed the duty assigned them.

Your committee find a considerable amount of business before the Legislature, but they believe that all the important measures claiming the attention of the General Assembly can be disposed of in a few days. They therefore recommend the adoption of the following resolution :

Resolved, That from and after Wednesday next, no new matter, except by a two-thirds vote, shall be introduced in either House, and that the General Assembly do adjourn *sine die* at 12 o'clock M., on the 5th of March next.

C. B. WOOTEN,
JOHN C. RICHARDSON,
Committee of the Senate,
WM. J. HUDSON,
W. D. ANDERSON,
Committee of the House.

On motion the report was taken up.

Mr. Holcombe moved to strike out the words "5th of March," and insert the words "1st of March" in lieu thereof.

Mr. Speer moved to strike out "5th of March," and insert the words "23d day of February, instant," in lieu.

On motion of Mr. Nunnally the report was laid on the table for the present.

Mr. McCutchen, chairman of the Committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate, the following resolution, to wit:

A resolution appointing a joint committee to investigate and report upon the claims of the Brunswick & Albany Railroad against the State of Georgia.

B. R. McCUTCHEN, Chairman *pro tem.*

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following bills, and I am ordered to transmit the same forthwith to the Senate, to wit:

A bill to be entitled an act to facilitate settlements of co-partnerships dissolved by death of one or more partners.

Also, a bill to be entitled an act to appropriate money for the payment of the amounts now due and unpaid to the schools and colleges of this State for the education of indigent maimed soldiers.

Mr. McCutchen, chairman *pro tem.* of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following acts:

An act to incorporate the Atlanta Cotton Factory Company.

Also, an act to authorize the consolidation of the Charlotte & South Carolina Railroad Company and the Columbia & Augusta Railroad Company, and amending the charter thereof.

Also, an act to incorporate the Commercial Banking Company, in the city of Griffin.

B. R. McCUTCHEN, Chairman *pro tem*.

Mr. Merrill, from the Committee on the Judiciary, made the following report:

Mr. President :

The Judiciary Committee have had under consideration the following bill which they recommend do pass, to wit :

A bill to amend the charter of the city of Macon.

W W MERRILL, Chairman.

Mr. McCutchen, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The committee report as duly enrolled, signed by the Speaker of the House and ready for the signature of the President of the Senate, an act to amend an act entitled an act to define the qualification of voters at the election to be held in the city of Columbus for Mayor and Aldermen, and other officers in said city, whose election is given to said voters by law; and to provide for the registry of all persons entitled to vote at elections for city officers, &c., assented to April 14, 1863; and also to provide for the holding of a special election in said city, and also the city of Milledgeville, in this State, for the election of officers for the year 1869.

B. R. McCUTCHEN, Chairman *pro tem*.

The rule was suspended and the following bills were introduced and severally read the first time, to wit :

By Mr. Smith of the 7th District—

A bill to authorize the Ordinary of Thomas county to levy and collect an extra tax for county purposes

By Mr. Lester—

A bill to prescribe certain qualifications for Justices of the Peace and Constables of the militia districts embraced within the limits of the city of Savannah, and for other purposes.

By Mr. Wooten—

A bill to enable Robert L. J. Grant, of the county of Fulton, to peddle in this State without license.

Also, a bill incorporate the City Bank of Albany, in the city of Albany.

By Mr. Winn—

A bill to change the time of holding the Superior Court in the county of Clayton.

By Mr. Fain—

A bill to change the lines between the counties of Bartow and Gordon.

The Senate took up the bill of the House to amend the charter of the city of Macon.

The Judiciary Committee to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion the Secretary was directed to transmit the same forthwith to the House of Representatives.

On motion of Mr. Nunnally the Senate took up the report of the Finance Committee as made on Thursday last on the "bill to carry into effect the report of the special committee on the accounts of the late Treasurer and Comptroller General," and to adopt the resolution accompanying the same.

Mr. Bruton moved to strike out all of the preamble of the resolution after the word Treasurer.

Mr. Burns moved to disagree to the report of the committee, which motion prevailed.

The bill was read the third time, and upon the question "shall this bill now pass, the report of the committee to

the contrary notwithstanding," the yeas and nays were required to be recorded, and are yeas 20, nays 9.

Those voting in the affirmative are—

Messrs. Adams, Brock, Burns, Candler, Gignilliat, Griffin 21st, Hicks, Hinton, Holcombe, Hungerford, Lester, Merrill, McArthur, McCutchen, Moore, Nunnally, Smith 7th, Stringer, Wellborn, Winn.

Those voting in the negative are—

Messrs. Adkins, Bowers, Bruton, Dickey, Jones, McWhorter, Sherman, Speer, Welch.

So the bill was passed.

Senator Hinton was granted leave of absence for a few days.

On motion the rule was suspended, and the following bills of the House were taken up and read the first time, to wit :

A bill to allow John Taylor and others to peddle without license in this State.

A bill to amend section 569 of Irwin's Code.

A bill to appropriate money for the payment of the amounts now due and unpaid to the schools and colleges of this State for education of indigent maimed soldiers.

A bill to facilitate settlements of co-partnership dissolved by death of one or more partners.

The following bills of the House were taken up and read the second time and referred to the Judiciary Committee, to wit :

A bill to legalize the election of James Buchanan as Sheriff of Randolph county.

A bill to repeal so much of the following act as relates to the counties of Muscogee, Macon and Richmond: "An act to provide for the levying and collection of a tax for the payment of costs due Clerks and Sheriffs in insolvent criminal cases in certain counties therein mentioned."

A bill to provide for the foreclosure of mortgages on personal property in this State, and for other purposes.

A bill to repeal sections 1456, 1457, 1459, 1460, 1461 of Irwin's Revised Code so far as relates to the counties of

Monroe, Morgan, Macon and Houston, and for other purposes.

The following bills of the House were taken up and read the second time and referred to the Committee on Banks, to wit :

A bill to incorporate the Central Georgia Banking Company and the Muscogee Banking Company.

A bill to incorporate the Georgia Life Insurance Company.

The following bill of the House was taken up and read the second time and referred to the Committee on Internal Improvements, to wit :

A bill to authorize certain persons therein named to remove obstructions in Gum Swamp Creek, Little Ocmulgee River and their tributaries ; to confer certain powers and privileges upon the same, and for other purposes.

The following bill of the House was taken up and read the second time, and referred to the Committee on New Counties and County Lines, to wit :

A bill to change the line between the counties of Taylor and Macon.

The following bill of the House was taken up, and read the second time and referred to the Committee on Agriculture and Manufactures, to wit :

A bill to incorporate the Savannah Manufacturing Company, and to grant to it certain rights and privileges.

Senator McCutchen was granted leave of absence for a few days.

The following bills were taken up and severally read the second time and referred to the Committee on Internal Improvements, to wit :

A bill to prevent the various railroad companies in this State from being responsible for the killing of any and every species of stock running at large in this State.

A bill to loan the credit of the State to the Cartersville & Van Wert Railroad Company.

A bill to amend an act entitled an act to make permanent the site for the public buildings at the village of Gainesville in the county of Hall, and to incorporate the

same, with amendments, assented to November, 1821, 1823, and 1832, and for other purposes.

The following bill was taken up and read the second time and referred to the Finance Committee, to wit:

A bill to explain section 813 Irwin's Code.

The following bill was taken up and read the second time and referred to the Committee of the Whole, to wit:

A bill to authorize and require the payment into the city treasury of Savannah of the remnant of the fund raised under the act of the sixteenth day of February, eighteen hundred and fifty-six, for the building of a new jail for Chatham county, and to require the City Council of Savannah to apply said remnant of said fund to the repairing and enlargement of the jail of said county.

The following bill was taken up and read the second time and referred to the Judiciary Committee, to wit:

A bill to regulate contracts for labor.

The following bill was taken up and read the second time, and referred to the Committee on Education, to wit:

A bill to repeal section first of article sixth of the Constitution of the State of Georgia.

Mr. Speer offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That in respect for the memory of the Father of his country, no session of the Senate be held on the 22d, that when this body adjourns to-day it adjourns to meet at the usual hour on Tuesday next.

Mr. Burns offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That the use of the chairs of the Senate chamber are respectfully tendered to the Messrs. Kimball, for Monday evening next, and the Messenger is hereby authorized to turn over the same, and to see that they (the chairs) are returned on Tuesday morning before the regular hour of meeting.

The President then announced the Senate adjourned until Tuesday morning at ten o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Tuesday, February 23, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Adams, Honorable Senator from the 20th District.

The roll was called and the Journal of Saturday was read and approved.

Mr. Burns moved to reconsider so much of the Journal of Saturday as relates to the action of the Senate on the bill to carry into effect the report of the special committee on the accounts of the late Treasurer and Comptroller General.

The motion prevailed.

Mr. Candler then proposed the following amendment, to wit:

“Provided nothing in this act shall be held to authorize the Governor to draw his warrant to cover any interest paid by said late Treasurer on any bonds of the State of Georgia which have been declared illegal and invalid by the Convention of 1865 or that of 1868, and before drawing his warrant or warrants as aforesaid, the Governor be directed to examine the credits allowed him by said Convention and upon his warrant for all credits for which there was no authority of law.”

On motion of Mr. Nunnally the bill with the amendment as offered by Mr. Candler was recommitted to the Finance Committee.

On motion of Mr. Jones the regular order was suspended and the Senate took up the bill of the House to incorporate the Americus Manufacturing Company and to confer certain powers and privileges.

The Committee on Agriculture and Manufactures, to whom this bill was referred, reported the same back with the recommendation that it do pass with the following amendment, to wit:

Amend, in the seventh line, after the word “said,” by inserting the word “unpaid;” strike out after the word “stocks” the words “and all installments paid.”

Mr. Anderson moved to amend by inserting the following as an additional section, to wit :

“The same powers and privileges as conferred by this bill upon the Americus Manufacturing Company be and the same are hereby conferred upon the Fort Valley Manufacturing Company, which company shall be composed of the following named gentlemen and their successors: D. W. Vishsher, W. A. Mathews, W. J. Anderson, Glenn Vischer and O. H. Miller, and such other persons as may be associated with them.”

The question was put upon the amendment of Mr. Anderson, which was agreed to.

The report of the committee, as amended, was agreed to. The bill was read the third time and was passed under the following title, to wit :

“A bill to incorporate the Americus Manufacturing Company and the Fort Valley Manufacturing Company.”

On motion of Mr. Jones the Secretary was directed to transmit the foregoing bill forthwith to the House of Representatives.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bills, to wit :

A bill to legalize an election held for Justices of the Peace in the 451st District G. M., of Ware county, on the 31st day of October, 1868, and for other purposes.

Also, a bill to extend aid and lend the credit of the State of Georgia to the Memphis Branch Railroad Company, and to amend the charter of the same.

Also, a bill to incorporate the town of Kingston, in the county of Bartow, to appoint commissioners for the same, and for other purposes.

Also, a bill to establish the fees of the Solicitor General of the Eastern Circuit, and of the Clerk, Sheriff and bailiffs of the City Court of Savannah for their services and attendance on the monthly sessions of said City Court of

Savannah, and to provide for the payments of the same as far as regards insolvent persons charged with crime and tried before said court at said monthly sessions, and for other purposes.

Also, a bill to repeal an act entitled "an act to change the line between the counties of Crawford and Upson."

Also, a bill to amend "an act for the relief of debtors and to provide for the adjustment of debts upon principles of equity."

Also, a bill to amend the 12th section of the act entitled an act to provide for setting apart a homestead of realty and personalty.

Also, a bill to change section 1045 of Irwin's Revised Code, and require the Secretary of State to compile the acts of each session of the General Assembly.

Also, a bill to repeal an act changing the line between the counties of Irwin and Berrien, approved December 17, 1859.

Also, a bill for the encouragement of the agricultural interest of this State by giving planters good credit, and giving proper security to persons who extend such credit, and for other purposes.

Also, a bill to amend an act entitled an act to alter and amend the 4813th section of the Revised Code of Georgia, providing for the monthly sessions of the City Court of Savannah; to extend the criminal jurisdiction of the City Court of Savannah; to authorize the speedy and summary trial of criminal cases in said City Court, and for other purposes, approved October 8, 1868.

The following message was received from his Excellency the Governor through Mr. de Graffenried, his Secretary, to wit:

Mr. President:

The Governor has approved and signed the following act, to wit:

"An act to authorize the consolidation of the Charlotte & South Carolina Railroad Company and the Columbia

& Augusta Railroad Company and amending the charter thereof."

Also, "an act to incorporate the Atlanta Cotton Factory Company."

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President :

The House of Representatives has passed the following bills of the Senate, to wit :

A bill to be entitled an act to define the liability of Sheriffs and other ministerial officers of this State, and to grant relief to the same.

Also, a bill to be entitled an act to authorize the Georgia Railroad & Banking Company to aid the Macon & Augusta Railroad Company by loan or endorsement, and to enable the said Macon & Augusta Railroad Company to secure the same.

Mr. Harris, from the Committee on Finance, made the following report :

Mr. President :

The Committee on Finance, to whom was referred "a joint resolution providing for the refunding of over-paid taxes by J. F. Strickland, for the State tax of 1866," have had the same under consideration and recommend that it do pass.

JOHN HARRIS, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President :

The House of Representatives has passed the following resolution, which I am ordered to transmit forthwith to the Senate, to wit :

A resolution appointing a committee of five from the House and three from the Senate, to take into consideration the subject of public education, and have appointed

on the part of the House the following: Messrs. Shumate, Bryant, Scott of Floyd, Parks of Gwinnett and Felder.

Mr. Higbee, chairman of the Committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate, the following act, to wit:

An act to change and fix the time of holding the summer terms of the Superior Court of Cherokee county.

Also, an act to change the line between the counties of Stewart and Quitman.

Also, an act to amend the charter of the city of Macon.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has concurred in the Senate amendment to the following bill of the House, to wit:

A bill to be entitled an act to incorporate the Americus Manufacturing Company, and to confer certain powers and privileges thereon.

The Senate took up the special order for the day, the same being the bill to establish a system of public instruction.

On motion of Mr. Winn the bill was taken up by sections.

Section the first was taken up and read.

Mr. Burns proposed to insert the following, to come in after the word "commissioner," in the second line, to wit: "Hon. Alexander H. Stephens, M. Dwinell, Rev. Wm. T. Brantly, Hon. Amos T. Akerman, Thomas S. Mallard, Samuel Varnadoe, William S. Bogart and Hon. Thomas P. Saffold."

After debate Mr. Nunnally moved to lay the bill on the table for the present; whereupon the yeas and nays were required to be recorded, and are yeas 15, nays 15—the President voting no.

Those voting in the affirmative are—

Messrs. Adams, Bruton, Burns, Candler, Fain, Gignilliat, Griffin 21st, Hicks, Jordan, Lester; McArthur, McWhorter, Moore, Nunnally, Wellborn.

Those voting in the negative are—

Messrs. Adkins, Brock, Dickey, Harris, Hungerford, Jones, Merrill, Sherman, Smith 7th, Smith 36th, Speer, Stringer, Welch, Winn, Mr. President.

So the motion to lay the bill on the table did not prevail.

After debate Mr. Adams moved to postpone further action on the bill to Saturday next.

After debate Mr. Smith of the 36th District called for the previous question, which being sustained the main question was ordered upon the motion to postpone until Saturday next, which was not agreed to.

Mr. Nunnally then proposed the following amendments, to wit :

Strike the word "Governor" and insert "President of the Senate" in lieu. Strike out "Attorney General" and insert "Speaker of the House." Strike out "Secretary of State" and insert "Secretary of the Senate" in lieu thereof.

After debate Mr. Candler moved to postpone the bill indefinitely.

The previous question was called, and being sustained the main question was ordered upon the motion to postpone indefinitely; whereupon the yeas and nays were required to be recorded, and are yeas 11, nays 16.

Those voting in the affirmative are—

Messrs. Adams, Burns, Candler, Fain, Gignilliat, Griffin 21st, Hicks, Lester, Moore, Nunnally, Wellborn.

Those voting in the negative are—

Messrs. Adkins, Bowers, Brock, Bruton, Dickey, Harris, Hungerford, Jones, Merrill, McWhorter, Sherman, Smith 36th, Speer, Stringer, Welch, Winn.

So the motion to postpone the bill indefinitely did not prevail.

After debate the question was put upon the amendment as proposed by Mr. Nunnally, which was lost.

The question was then put upon the amendment of Mr. Burns, which was lost.

The question then recurred upon the adoption of the section; whereupon the yeas and nays were required to be recorded, and are yeas 19, nays 10.

Those voting in the affirmative are—

Messrs. Adams, Adkins, Bowers, Brock, Bruton, Dickey, Harris, Hungerford, Jones, Jordan, Merrill, McWhorter, Sherman, Smith 7th, Smith 36th, Speer, Stringer, Welch, Winn.

Those voting in the negative are—

Messrs. Burns, Candler, Fain, Gignilliat, Griffin 21st, Hicks, Lester, Moore, Nunnally, Wellborn.

So section first was adopted.

Section second, third and fourth, were taken up read and adopted.

Section fifth was taken up and read.

Mr. Bruton moved to strike out the word "one," and insert the word "three" in lieu thereof.

Mr. Wellborn proposed as a substitute to the amendment of Mr. Bruton, the following, which was accepted by Mr. Bruton, to wit:

Insert after the word "one," the words "for each county."

The question was then put and the amendment was lost.

The question was then put and the section adopted.

Section sixth was taken up and read.

Mr. Bruton moved to strike out all after the word "State" to the word "provided."

Mr. Speer moved to strike out all of the proviso.

Mr. Harris moved to amend by inserting after the word "any," in the third line, the words "teacher shall refuse to use such books he shall forfeit his pay."

After debate Mr. Nunnally moved to recommit the bill to the Committee on Education, which motion was lost.

The question was then put upon the amendment of Mr. Harris, which was not agreed to.

The question was next put upon the motion of Mr. Bruton, which was adopted.

The question was then put upon the motion of Mr. Speer, to strike out the proviso, which motion did not prevail.

The question then recurred upon the adoption of the section as amended, and the same as amended, was adopted.

Sections seven, eight, nine, ten, eleven and twelve were then taken up, read and adopted.

Section thirteen was taken up and read.

On motion of Mr. Wellborn the proviso contained therein was stricken out.

Mr. Moore moved to strike out the words "five" and "twenty-one" and insert in lieu thereof the words "six" and "eighteen."

Mr. Bowers moved to strike out the word "five" and insert the word "six" in lieu thereof.

Mr. Brock moved to strike out the words "twenty-one" and insert the word "eighteen" in lieu.

The question was put upon the motion of Mr. Brock, which was agreed to.

The question was then put upon the motion of Mr. Bowers, which motion prevailed.

The question was then put upon the adoption of the section as amended, and the same, as amended, was adopted.

On motion the rule was suspended and the following bills were introduced and severally read the first time, to wit:

By Mr. Lester—

A bill to incorporate a company to be called the Peoples' Insurance & Banking Company of the State of Georgia.

Also, a bill to incorporate the Workingmen's Mutual Relief Association of Georgia.

By Mr. Wellborn—

A bill to relieve Mrs. Nancy Ingram, of the county of

Union, from all liability upon a certain recognizance therein named.

By Mr. Jones—

A bill to incorporate the town of Spalding, in the county of Macon, and to confer upon the citizens of said town certain powers and privileges herein mentioned.

By Mr. Harris—

A bill to amend an act entitled an act to incorporate the city of Covington, in the county of Newton; to define the corporate limits thereof, and for other purposes mentioned therein, approved February 17, 1854.

By Mr. Adkins—

A bill to prevent homicide and mitigate the evils arising therefrom.

By Mr. Smith of the 36th District—

A bill to extend to the Atlanta & West Point Railroad Company the provisions of an act approved February 9, 1869, entitled an act to amend the charter of the Macon & Western Railroad Company, which was assented to on the 29th December, 1847; to allow an increase of the capital stock of said company; to fix the rate of tax to be paid by the same, and for other purposes.

The rule was further suspended and the following bills of the House were taken up and severally read the first time, to wit:

A bill to establish the fees of the Solicitor General of the Eastern Circuit, and of the Clerk, Sheriff and bailiffs of the City Court of Savannah for their services and attendance on the monthly sessions of said City Court of Savannah, and to provide for the payment of the same as far as regards insolvent persons charged with crime and tried before said court at said monthly sessions, and for other purposes.

A bill to repeal an act entitled an act to change the line between the counties of Crawford and Upson.

A bill to amend an act entitled an act to alter and amend the 4813th section of the Revised Code of Georgia, providing for the monthly sessions of the City Court of Savan-

nah ; to extend the criminal jurisdiction of the City Court of Savannah ; to authorize the speedy and summary trial of criminal cases in said city, and for other purposes, approved October 8, 1868.

A bill to change section 1045 of Irwin's Revised Code and require the Secretary of State to compile the acts of each session of the General Assembly.

A bill to extend aid and lend the credit of the State of Georgia to the Memphis Branch Railroad Company, and to amend the charter of the same.

A bill to legalize an election held for Justice of the Peace in the 451st District G. M., of Ware county, on the 31st day of October, 1868, and for other purposes.

A bill to amend an act for the relief of debtors, and to provide for the adjustment of debts upon principles of equity.

A bill to incorporate the town of Kingston in the county of Bartow ; to appoint commissioners for the same, and for other purposes.

A bill to amend the 12th section of the act entitled an act to provide for setting apart a homestead of realty and personalty.

A bill to repeal an act changing the line between the counties of Irwin and Berrien, approved December 17, 1859.

A bill for the encouragement of the agricultural interests of this State by giving planters good credit and giving proper security to persons who extend such credit, and for other purposes.

The rule was suspended and the following bills of the House were taken up and read the second time and referred to the Judiciary Committee, to wit :

A bill to amend section 569 of Irwin's Code.

A bill to allow John Taylor and others to peddle without license in this State.

A bill to facilitate settlements of co-partnerships dissolved by death of one or more partners.

The following bill of the House was taken up and read

the second time and referred to the Finance Committee, to wit:

A bill to appropriate money for the payment of the amounts now due and unpaid to the schools and colleges of this State for the education of indigent maimed soldiers.

The following bills were taken up and read the second time and referred to the Judiciary Committee, to wit:

A bill to prescribe certain qualifications for Justices of the Peace and Constables of the militia districts embraced within the limits of the city of Savannah, and for other purposes.

A bill to enable Robert L. J. Grant, of the county of Fulton, to peddle in this State without license.

A bill to change the time of holding the Superior Court in the county of Clayton.

The following bill was taken up and read the second time and referred to the Committee on Banks, to wit:

A bill to incorporate the City Bank of Albany in the city of Albany.

The following bill was taken up and read the second time and referred to the Committee on New Counties and County Lines, to wit:

A bill to change the lines between the counties of Bartow and Gordon.

The following bill was taken up and read the second time and referred to the Finance Committee, to wit:

A bill to authorize the Ordinary of Thomas county to levy and collect an extra tax for county purposes.

The hour having arrived, the President declared the Senate adjourned until to-morrow morning at ten o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Wednesday, February 24, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Honorable Mr. Smith, of the 7th District.

The roll was called and the Journal of the previous day was read and approved.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following acts :

An act to define the liability of Sheriffs and other ministerial officers of this State, and to grant relief to the same.

Also, an act to authorize the Georgia Railroad & Banking Company to aid the Macon & Augusta Railroad Company by loans or endorsements, and to enable the said Macon & Augusta Railroad Company to secure the same.

E. I. HIGBEE,

Chairman Committee Enrollment.

Mr. Merrill moved to extend the time of adjournment from day to day for the purpose of reading bills the first and second times, which was not agreed to.

On motion the rule was suspended and Mr. Speer introduced the following bill, which was taken up and read the first time, to wit :

A bill to provide for the election of persons to fill vacancies in civil offices in this State where the present incumbents are disqualified under the third section of the fourteenth article of the Constitutional amendment of the United States.

The Senate then resumed the unfinished business of yesterday, the same being the bill to establish a system of public instruction.

Mr. Bowers moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on section thirteen.

The motion prevailed.

Mr. Bowers then moved to strike out the word "eighteen,"

as adopted on yesterday, and insert the words "twenty-one" in lieu thereof, which motion was agreed to.

On motion of Mr. Bowers section thirteen was then adopted as reported by the committee with the exception of the proviso therein contained.

On motion of Mr. Nunnally the special order for the day, the same being the bill to re-convey property to the heirs of Samuel Mitchell, &c., was taken up and made the special order for to-morrow morning.

The Sénate then resumed the consideration of the bill to establish a system of public instruction.

Sections fourteen and fifteen were taken up, read and adopted.

Section sixteen was taken up and read. On motion of Mr. Winn the same was stricken out.

Mr. Smith of the 36th District moved to insert the following as section sixteen, to wit:

"Said commissioner shall be entitled to a reasonable compensation, to be provided by law."

Mr. Harris moved as a substitute the following, to wit:

"That said commissioner shall be entitled to a salary of two thousand dollars annually and necessary traveling expenses, provided that such traveling expenses shall not exceed five hundred dollars."

The question was put upon the substitute of Mr. Harris, which was adopted. The section, as amended, was then adopted as section sixteen.

Section seventeen was taken up and read.

Mr. Higbee moved to strike out the word "Physiology" and insert the word "Geography" in lieu; also to strike out, in the thirteenth line, the words "except that for three years;" also, strike out the word "county," in same line, and insert the words "senatorial district" in lieu.

Mr. Bruton moved to amend by striking out all of the section after the word "provided," and insert the following in lieu, to wit: "That no license shall be issued to any one for any county except such person has been a resident of said State and county for twelve months."

After debate Mr. Higbee called for the previous question, which being sustained, the main question was ordered upon the amendment as proposed by Mr. Bruton, and the same was lost.

The question was then put severally upon the amendments as offered by Mr. Higbee, and the same were adopted.

Mr. Moore moved to insert after the word "examine," in the second line, the words "or cause to examine," which was not agreed to.

The question was then put upon the adoption of the section as amended, and the same as amended was adopted.

Section eighteen was taken up, read and adopted.

Section nineteen was taken up and read.

Mr. Speer moved to strike out the word "one" and insert "five," which was not agreed to.

Mr. Moore moved to strike out the word "one" and insert "three," which motion did not prevail.

Mr. Speer then moved to strike out the word "one" and insert the word "two," which was not agreed to.

Mr. Speer then moved to strike out the word "one" and insert the words "one and half" in lieu, which motion was lost.

The question was then put upon the adoption of the section, and the same was adopted as read.

Sections twenty, twenty-one and twenty-two were taken up, read and adopted.

Section twenty-three was taken up and read.

Mr. Speer moved to strike out, in the third line, the words "necessary traveling expenses."

Mr. Adkins moved to amend the motion of Mr. Speer by adding after the word "expenses" the words "actually paid."

The question was put upon the amendment of Mr. Adkins, which was lost.

The question was then put upon the motion of Mr. Speer, which was agreed to.

The question was then put upon the adoption of the section as amended, and the same, as amended, was adopted.

Sections twenty-four and twenty-five were taken up, read and adopted.

Section twenty-six was taken up and read.

Mr. Higbee moved to strike out the word "April" and insert "May" in lieu thereof, which was agreed to.

Mr. Merrill moved to strike out the word "September" and insert "October" in lieu, which motion prevailed.

The question was then put upon the adoption of the section as amended, and the same, as amended, was adopted.

Section twenty-seven was taken up, read and adopted.

Section twenty-eight was taken up and read.

Mr. Hungerford moved to strike out the first five lines of the same, which was not agreed to.

The section was then adopted as read.

Mr. Hungerford gave notice that he would move to reconsider the action of the Senate on the foregoing section on to-morrow morning.

Section twenty-nine was taken up and read.

Mr. Higbee moved to strike out, in the first line, the words "the Common Council of such incorporated town or city and;" also, in the fourth line, strike out the words "said Common Council and."

The question was severally put and the amendments of Mr. Higbee were agreed to.

The question was then put upon the adoption of the section as amended, and the same, as amended, was adopted.

Section thirty was taken up and read.

Mr. Speer moved to add after the word "office" in the second line the words "and to support the Constitution of the State of Georgia and of the United States," which was agreed to, and the section, as amended, was adopted.

Section thirty-one was taken up read and adopted.

Section thirty-two was taken up and read.

Mr. Harris moved to strike out the same, which was agreed to.

Mr. Merrill then proposed the following as section thirty-two, to wit:

"In order to entitle the people of any sub-district to the benefits of this act, the people of such sub-district

shall provide a suitable school-house, and furnish and provide fuel and lights, &c., for the same, and give notice to the district commissioner of their willingness so to do."

After debate Mr. McArthur called for the previous question, which being sustained, the main question was ordered upon the amendment of Mr. Merrill, which was adopted.

Section thirty-three was taken up and read.

Mr. Speer moved to strike out all of the same from the word "State" in the fifth line, which was agreed to.

Mr. Merrill moved to strike out in the third line the words "both as regards school-houses and fixtures and," which was agreed to.

Mr. Higbee moved to amend by striking out in the fourth and fifth lines the following words, to wit: "but the children of the white and colored races shall not be allowed to be taught together in any district in the State."

The question was put upon the motion of Mr. Higbee, to strike out; whereupon the yeas and nays were required to be recorded, and are yeas 4, nays 30.

Those voting in the affirmative are—

Messrs. Adkins, Higbee, Sherman, Welch.

Those voting in the negative are—

Messrs. Adams, Bowers, Brock, Bruton, Candler, Colman, Corbitt, Dickey, Fain, Gignilliat, Griffin 21st, Harris, Hicks, Hungerford, Jones, Jordan, Lester, Merrill, McArthur, McWhorter, Moore, Nesbitt, Nunnally, Smith 7th, Smith 36th, Speer, Stringer, Wellborn, Winn, Wooten.

So the motion to strike out did not prevail.

The question was then put upon the adoption of the section as amended, and the same, as amended, was adopted.

Section thirty-four was taken up and read.

Mr. Higbee moved to strike out in the third line the word "unmarried," which was not agreed to.

Mr. Higbee moved to insert after the word "compensation" in the eighth line, the words "from the school fund," which was agreed to.

The question was then put upon the adoption of the section as amended, and the same, as amended, was adopted.

Sections thirty-five, thirty-six and thirty-seven, were taken up, read and adopted.

Section thirty-eight was taken up and read.

Mr. Speer moved to strike out the word "fifty" and insert the word "thirty" in lieu, which was agreed to.

Mr. Higbee moved to add the following proviso to the section, to wit: "*Provided*, That all persons between the ages of five and twenty-one years shall be afforded an opportunity to attend a school."

The question was put and the amendment was lost.

The question was then ordered upon the adoption of the section as amended, and the same, as amended, was adopted.

Section thirty-nine was taken up, read and adopted.

On motion of Mr. Wellborn, the time was extended for the purpose of disposing of the bill under consideration, and also for the reading of bills for the first and second time.

Section forty was taken up and read.

On motion of Mr. Merrill the same was stricken out.

Section forty-one was taken up and read.

On motion the same was stricken out.

Section forty-two was taken up, read and adopted.

Section forty-three was then taken up, read and adopted.

Mr. Harris moved that the bill, as amended, do now pass; whereupon the yeas and nays were required to be recorded, and are yeas 20, nays 14.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Brock, Bruton, Colman, Corbitt, Dickey, Harris, Higbee, Jones, Jordan, Merrill, McWhorter, Sherman, Smith 7th, Smith 36th, Speer, Stringer, Welch, Winn.

Those voting in the negative are—

Messrs. Adams, Burns, Candler, Fain, Gignilliat, Griffin 21st, Hicks, Lester, McArthur, Moore, Nesbitt, Nunnally, Wellborn, Wooten.

So the bill as amended was passed.

Mr. Candler moved to transmit the bill forthwith to the House, which motion was lost.

Mr. Nunnally, chairman of the Committee of Internal Improvements, made the following report :

Mr. President:

The committee to whom was referred a bill to be entitled "an act to amend an act entitled an act to make permanent the site for the public buildings at the village of Gainesville, in the county of Hall, and to incorporate the same, with amendments, assented to severally 1821, 1823 and 1832, and for other purposes therein named."

Also, "a bill to be entitled an act to incorporate the Rome and Summerville Turnpike Company."

Also, "a bill to be entitled an act to incorporate the Rome Iron Manufacturing Company, in the county of Floyd, and to define the rights, privileges and liabilities of the same," have had the same under consideration and report them back with the recommendation that they do pass.

The committee have also had under consideration "a bill to be entitled an act to incorporate the Atlanta Water Company," which they recommend a substitute in lieu thereof.

Also, "a bill to be entitled an act to authorize certain persons therein named to remove obstructions in Gum Swamp Creek, Little Ocmulgee River and their tributaries; to confer certain powers and privileges upon the same, and for other purposes," which they recommend do pass with the following amendment :

Strike out, in the fourth section, the word "ten" and insert in lieu thereof the word "five."

Also, "a bill to be entitled an act to prevent the various railroad companies in this State from being responsible for the killing of any and every species of stock running at large in this State," which they recommend do pass with the following amendment :

"*Provided*, The railroad companies have a lawful fence on each side of the railroad track."

They have also had under consideration "a bill to be entitled an act to amend an act entitled an act to enable

the owners of mines to draw water from branches or other head-waters through or over intervening lands, approved October 10, 1868."

Also, "a bill to be entitled an act to loan the credit of the State to the Cartersville & Van Wert Railroad Company," which they report back without recommendation.

A. D. NUNNALLY, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bills, to wit :

A bill to amend the charter of the town of Sandersville.

Also, a bill to levy and collect a tax for the support of the Government for the year 1869, and for other purposes.

Also, a bill to incorporate St. Mary's Lodge of Free and Accepted Masons, and for other purposes.

They have also adopted the following resolutions :

A resolution requesting the Governor to discharge certain employees, &c.

Also, a resolution requesting the State Librarian to discharge the employee in his office.

Mr. Harris, from the Committee on Finance, made the following report :

Mr. President :

The Committee on Finance, to whom was recommitted "a bill to be entitled an act to carry into effect the report of the special committee on the accounts of the late Treasurer and Comptroller General," have had the same under consideration and again report the bill back with the recommendation that it do not pass, and recommend the adoption, in lieu thereof, of the accompanying resolution, as before recommended.

Also, the report, resolution and communications on the subject of interest on the daily balances of public funds in the hands of the Treasurer, beg leave to report that they

have duly considered the matter referred to them, and are unanimously of the opinion that all sums of interest realized on the public funds must be placed to the credit of the State or of the educational fund, as directed in paragraph 7, section 86, of Irwin's Code, and offer the following as a substitute for the original resolution submitted to them :

Resolved, That N. L. Angier, Treasurer, be, and he is hereby directed to place to the credit of the State and the school fund any interest in his hands, or to come into his hands, as directed in the section of the Code above referred to.

JOHN HARRIS, Chairman.

Mr. Merrill, from the Committee on the Judiciary, made the following report :

Mr. President :

The Judiciary Committee, to whom was referred certain bills of the House of Representatives, recommend that the following do not pass, to wit :

A bill to repeal sections 1456, 1457, 1458, 1459, 1460 and 1461 of Irwin's Code, so far as relates to the counties of Monroe, Morgan, Macon and Houston, and for other purposes.

A bill to repeal so much of the following act as relates to the counties of Muscogee, Macon and Richmond :

"An act to provide for the levying and collecting of a tax for the payment of costs due to Clerks and Sheriffs in insolvent criminal cases in certain counties therein mentioned."

The bill of the House of Representatives to amend the charter of the city of Atlanta and provide for registry of voters therein, they recommend do pass.

They have also had under consideration the bill of the Senate to authorize and require each county in this State to pay for the conveying of persons sentenced to labor in the Penitentiary, and for other purposes, for which they recommend the passage of a substitute in lieu thereof.

The bill to amend an act entitled an act, approved October 9, 1868, to prevent the sale of lottery tickets in this State, they report back without recommendation.

The following they recommend do pass with amendments, to wit:

A bill to amend the second section of an act, approved December 15, 1866, entitled an act to give landlords a lien upon the crops of tenants for stock, farming utensils, &c., and for other purposes.

The following they recommend do not pass, to wit:

A bill to regulate contracts for labor.

A bill for securing and collecting costs, and for computing fees and costs when paid in currency.

A bill to regulate and define court contracts, &c., approved March 17, 1866.

They have also had under consideration the following bills of the Senate, which they recommend do pass, to wit:

A bill to authorize testators in wills to give to the executors named therein money or property, as they may wish, as compensation for their services.

A bill to amend section 2406 of Irwin's Code in relation to executors *de son tort*, and for other purposes.

A bill to require the official bonds of Ordinaries to be approved by the Clerks of the Superior Courts.

A bill to add an additional section to the 11th division of the Penal Code of the State of Georgia.

W W. MERRILL, Chairman.

The following message was received from the House of Representatives by Mr. Hardin, their Clerk:

Mr. President:

The House of Representatives have passed the following bill of the Senate, to wit:

A bill to be entitled "an act to incorporate the Trion Railway Company," which I am directed to transmit forthwith to the Senate.

Mr. Harris, from the Committee on Finance, made the following report:

Mr. President:

The Committee on Finance, to whom was referred "a bill to be entitled an act to explain section 813, Irwin's Code," have had the same under consideration, and report it back without recommendation.

Also, "a bill to be entitled an act to authorize and require the Ordinary of each of the counties of Stewart and Webster to levy a tax to pay insolvent costs in certain cases," which they recommend do not pass.

Also, "a bill to be entitled an act to relieve tax-payers who failed to make returns to the Tax Receivers," which they recommend do not pass.

JOHN HARRIS, Chairman.

Mr. Smith of the 7th District presented a memorial from Colonel John Screven, President of the Atlantic & Gulf Railroad, which was taken up and read, together with a resolution accompanying the same.

Mr. Smith moved that the memorial and the resolution accompanying be referred to the Committee on Petitions.

After debate Mr. Bruton moved that the memorial and accompanying resolution be referred to a special committee of three from the Senate and five from the House.

After debate Mr. Harris moved to lay upon the table for the present, which was not agreed to.

After debate Mr. Wellborn called for the previous question, which being sustained, the main question was ordered upon the motion of Mr. Bruton, which was not agreed to.

The question was then put upon the motion of Mr. Smith, which motion prevailed.

The following bills were introduced and severally read the first time, to wit :

By Mr. Smith of the 36th District—

A bill to authorize W. R. Elder, of the county of Campbell, to peddle without license.

By Mr. Harris—

A bill to dispose of money arising from fines and forfeitures in the new Criminal Courts of this State.

By Mr. Gignilliat—

A bill to amend the Constitution of Georgia by striking out the 5th section of article second.

By Mr. Burns—

A bill to incorporate the Georgia & Alabama Steamboat Company.

By Mr. Nesbitt—

A bill to incorporate a railroad company to be called the Bainbridge & Chattahoochee Railroad Company.

The following bills of the House were taken up and severally read the first time, to wit :

A bill to incorporate St. Mary's Lodge of Free and Accepted Masons, and for other purposes.

A bill to amend the charter of the town of Sandersville.

A bill to levy and collect a tax for the support of the Government for the year 1869, and for other purposes.

The following bills of the House were taken up and severally read the second time and referred to the Committee on New Counties and County Lines, to wit :

A bill to repeal an act entitled an act to change the line between the counties of Crawford and Upson.

A bill to repeal an act changing the line between the counties of Irwin and Berrien, approved December 17, 1859.

The following bills of the House were taken up and read the second time and referred to the Committee of the Whole, to wit :

A bill to change section 1045 of Irwin's Revised Code, and require the Secretary of State to compile the acts of each session of the General Assembly.

A bill to extend aid and lend the credit of the State of Georgia to the Memphis Branch Railroad Company, and to amend the charter of the same.

A bill to incorporate the town of Kingston, in the county of Bartow; to appoint commissioners for the same, and for other purposes.

The following bills of the House were taken up and read the second time and referred to the Judiciary Committee, to wit :

A bill to amend an act for the relief of debtors, and to provide for the adjustment of debts upon the principles of equity.

A bill for the encouragement of the agricultural interests of this State by giving planters good credit, and giving proper security to persons who extend such credit, and for other purposes.

A bill to establish the fees of the Solicitor General of the Eastern Circuit; and of the Clerk, Sheriff and bailiffs of the City Court of Savannah for their services and attendance on the monthly sessions of said City Court of Savannah, and to provide for the same as far as regards insolvent persons charged with crime and tried before said court at said monthly sessions, and for other purposes.

A bill to amend an act entitled an act to alter and amend the 4813th section of the Revised Code of Georgia providing for the monthly sessions of the City Court of Savannah; to extend the criminal jurisdiction of the City Court of Savannah; to authorize the speedy and summary trial of criminal cases in said City Court, and for other purposes, approved October 8, 1868.

A bill to legalize an election held for Justice of the Peace in the 451st District Georgia Militia, of Ware county, on the 31st day of October, 1868, and for other purposes.

A bill to amend the 12th section of the act entitled an act to provide for setting apart a homestead of realty and personalty.

The following bills of the Senate were taken up and read the second time and referred to the Committee of the Whole, to wit:

A bill to incorporate the town of Spalding, in the county of Macon, and to confer upon the citizens of said town certain powers and privileges herein mentioned.

A bill to amend an act entitled an act to incorporate the city of Covington, in the county of Newton; to define the corporate limits thereof, and for other purposes therein mentioned, approved February 17, 1854.

The following bill was taken up and read the second time and referred to the Committee on Internal Improvements, to wit :

A bill to extend to the Atlanta & West Point Railroad Company the provisions of an act approved February 9, 1869, entitled an act to amend the charter of the Macon & Western Railroad Company, which was assented to on the 29th December, 1847; to allow an increase of the capital stock of said company; to fix the rate of tax to be paid by the same, and for other purposes.

The following bills were taken up and read the second time and referred to the Judiciary Committee, to wit :

A bill to relieve Mrs. Nancy Ingram, of the county of Union, from all liability upon a certain recognizance therein named.

A bill to incorporate a company to be called the People's Insurance and Banking Company of the State of Georgia.

A bill to incorporate the Workingmen's Mutual Relief Association of Georgia.

A bill to prevent homicide and mitigate the evils arising therefrom.

On motion the Senate adjourned until to-morrow morning at ten o'clock.

SENATE CHAMBER, ATLANTA, GA.,
Thursday, February 25, 1869.

The Senate met pursuant to adjournment, and was called to order by the President.

Prayer by the Rev. Mr. Hinton, Honorable Senator from the 24th District.

The roll was called and the Journal of the previous day was read and approved.

Senator Moore was granted leave of absence for a few days.

Mr. Higbee chairman of the Committee on Enrollment reported as duly enrolled, signed by the Speaker of the

House of Representatives and ready for the signature of the President of the Senate, the following act, to wit :

An act to incorporate the Americus Manufacturing Company, and the Fort Valley Manufacturing Company, and to confer certain powers and privileges thereon.

E. I. HIGBEE,
Chairman Committee on Enrollment.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives have passed the following bill, to wit :

A bill to exempt from taxation all capital, home and foreign, hereafter invested in the manufacture of cotton, wool and other fibrous material, &c.

Mr. Bruton moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the memorial of Col. Screven, and the resolution of Mr. Smith accompanying the same.

After debate Mr. Smith of 7th District moved to lay the motion on the table ; whereupon the yeas and nays were required to be recorded, and are yeas 17, nays 18.

Those voting in the affirmative are—

Messrs. Adams, Adkins, Brock, Burns, Colman, Corbitt, Fain, Gignilliat, Griffin 21st, Hicks, Hungerford, Jones, McArthur, McWhorter, Nesbitt, Smith 7th, Wellborn.

Those voting in the negative are—

Messrs. Bowers, Bruton, Candler, Dickey, Harris Hinton, Jordan, Lester, Merrill, Moore, Nunnally, Sherman, Smith 36th, Speer, Stringer, Welch, Winn, Wooten.

So the motion to lay the motion to reconsider on the table did not prevail.

After debate Mr. McArthur, called for the previous question, which being sustained, the main question was ordered upon the motion of Mr. Bruton to reconsider and the motion was lost.

Mr. Smith of the 36th District, from the committee ap-

pointed as a joint committee from the two Houses to whom was referred the duty of examining into the general management, the books, papers, &c., of the Western & Atlantic Railroad, submitted the following report :

Mr. President :

The committee appointed to examine into the general management, together with the books, papers, &c., have had the same under consideration, and submit the following report :

On motion the same was taken up without being read, and one hundred copies ordered to be printed for the use of the Senate.

REPORT OF THE JOINT COMMITTEE TO INVESTIGATE THE
CONDITION OF THE WESTERN & ATLANTIC RAILROAD.

THE WESTERN & ATLANTIC RAILROAD.

ATLANTA, GA., January 15, 1869.

To the General Assembly of Georgia :

The joint committee created by resolution of the Senate and House of Representatives at the last session, and approved by his Excellency the Governor on the 20th of August, 1868, have the honor to report :

That, in obedience to the terms of the resolution which directed them to "investigate and examine the books and papers of the general officers of the Western & Atlantic Railroad, together with the running and management of said road for the last two years ; and that said committee shall have power to send for persons and papers, to administer oaths, and to do all other things which may be necessary to a full, fair and impartial investigation of all the affairs of that great State interest," they organized in the city of Atlanta by placing Hon. W. C. Smith, of the Senate committee, in the chair, and the election of Thomas D. Wright, Esq., Secretary, and at once entered upon the discharge of the important duties entrusted to them.

It was first deemed proper by your committee to decide upon some plan of operation by which they should be guided in the prosecution of their labors, when the following was adopted as the spirit and intent of the resolution :

I. A thorough examination of the books, records, rolls, &c.; the expenditures and receipts of the Western & Atlantic Railroad since September, 1865, together with the present condition of the line of road, shops, machinery, rolling stock and buildings.

II. An investigation of all claims against the road for stock killed, damage to life and limb, &c., which now are, or may be brought, before the courts or the General Assembly for settlement.

III. To look into claims which the road has upon the United States Government and other parties.

IV To investigate the damage resulting to the road, as well as to the owner, from the killing of stock.

V Laying all partisan feeling aside, to unite in taking into consideration some plan by which the Western & Atlantic Railroad may be placed beyond the reach of political complications and influences.

KILLING OF STOCK AND CONSEQUENT LOSS OF LIFE, &C.—CLAIMS
AGAINST THE ROAD, &C.

It will be observed that the second clause of our basis of investigation reads as follows :

“ An investigation of all claims against the road for stock killed, damage to life and limb, &c., which now are, or may be brought, before the courts or the General Assembly for settlement.”

This being a matter of serious importance to the whole community, we must beg your indulgence if we seem inclined to elaborate on this point.

The large amounts expended by the road in the payment for stock killed caused your committee to investigate the matter, and, by resolution, letters were addressed to prominent railroad officials, and the replies elicited were of such importance that we have included them in this report. There can be no denial of the fact that legislation is seriously needed on this subject, and your attention is invited to this unavoidable inroad upon the treasury. The small amount, comparatively, paid annually for the killing and damaging of stock, and the immense amount which would

be necessary to provide a line of fence in various localities, render this scheme impracticable. If possible, your committee would recommend the passage of a law fixing the value of each kind of stock killed or mutilated, and making it penal for any person to be found willfully enticing or driving their cattle on the line of track. Many, through ignorance, imagine thereby that if the same be injured or destroyed a price can be obtained superior to the regular market, and never presume to inquire whether it be possible all of the passengers and employees on the train will escape should the engine be thrown from the track.

It has been said that "corporations have no souls." Whether this be true or not, we will not argue. Suffice it the truth is self-evident, that railways develop the resources of any country, and, in a great measure, tend to the increase of civilization and the mechanic arts; but it seems that, instead of these institutions being fostered and cherished, as they should be, an evident desire is manifested by many to thwart, in every conceivable way, all such enterprises tending towards the best remedy for a nation's comfort and happiness. Suits are conceived and brought before the courts on every frivolous pretext, and no matter how pure the magistrate may be in his intention to guard well the interest of the stockholders, twelve men can hardly be found who will render a verdict in favor of the defendant. This is not only the opinion of your committee, but by reference to the subjoined letters, prominent railway officials corroborate the facts set forth. This arises, no doubt, from the fact that all such believe corporations are more or less monopolies, and should be put down and made to yield to the wishes of a few who accidentally reside on the line or in the vicinity through which railroads pass. To such an extent has this feeling been carried that in our sister State, Tennessee, it is asserted that trains from the main trunk or branches passing through her borders have, by processes issued at the instance of magistrates, been detained, and not suffered to proceed unless a small claim, arising from damage to a common domestic animal, was settled by payment in money. There appears

to be no sympathy of feeling existing, whilst, at the same time, a retaliatory spirit must of necessity spring forth by our own people living along the line of roads owned by that State and passing through Georgia. In this connection, we respectfully request that a memorial be presented by the General Assembly to the Legislature of Tennessee, looking to the passage of a reciprocal law to govern in the matter of all stock killed, and the remedy for the prevention of similar casualties.

It is well known that a law passed on this subject should be general. For seven months in the year, the northern portion of our State, and other localities penetrated by railroads, presents no season for the grazing of stock, whilst in middle and southern portions, facilities are afforded for a period of eight months. There can be no obvious reason why owners should not be compelled to confine their stock during this season, and if damage should arise, the law should give no remedy.

In support of these opinions, we give below an extract from the report of Major C. Wallace, made to Ex-Governor C. J. Jenkins, in the year 1867, (page 34;) and coming as it does from such a source, we cannot but commend it to your careful consideration :

* * * "The annual tax on railroads for stock killed is onerous and enormous. We have paid out for this account no less than \$14,000 during the eighteen months I have been in office. This is radically wrong, but, I suppose, will never be remedied until we learn to legislate more for justice and less for votes. It is simply preposterous to assume that trains in motion can always avoid obstructions on the track. The lives of men who control the trains are always placed in jeopardy by encountering stock on the track; they know too well the hazard of such conflicts, and all the power and skill and energies of the 'man at the helm' are brought into requisition on such occasions. And for what? To save his own life and the lives of his passengers; and the stale and stereotyped charge of 'carelessness' is a slander on a class of men—

'locomotive runners'—to whose fidelity, coolness and untiring, sleepless vigilance every railroad passenger is indebted for the soundness of his limbs and the preservation of his life.

"But this paying a man for permitting his stock to endanger your life, and endangering your property, while in the peaceful pursuit of your legitimate business, is only a small item of the catalogue of injustice meted out to railroads. Suits are now pending against this road for nearly half a million of dollars for damages alleged to have been done before and during the war; and no matter how unjust these claims may be, nor how plain 'his Honor' may charge the law, I shall be agreeably disappointed if, in the end, the tax-payers of the State do not foot the bill to the full extent of the demand. Strange that people will travel outside law, oath and testimony to do themselves an injustice! I am aware that we have no legislative body, at present, to whose justice we can appeal for a modification of these laws, and I am also well aware that any relief that may come to railroads on this and kindred subjects must emanate from the people themselves; and I am glad to know that in some of the States the people are inclined to give some protection to the millions of capital that enlightened, public-spirited men have invested in railroads and other public enterprises to develop the country, facilitate commerce and enrich the people." * * * *

AUGUSTA, GA., October 28, 1868.

Hon. W. C. Smith, Chairman, &c.:

SIR: I have received a copy of resolutions passed by the Western & Atlantic Railroad Committee calling attention to the enormous charges on the Western & Atlantic Railroad for stock killed, and requesting any suggestions from the Presidents of the other roads in the State which may aid the committee in devising a remedy for this crying evil.

The committee does not over-estimate the evil referred to, which is not confined to the State Road, but extends to all private railroad corporations. Though the evil is great,

I fear that a remedy will not be easily found in legislation. The evil arises from bad and impolitic legislation, and the same motive which induced the obnoxious laws, and which is very properly characterized by Major Wallace in his report of 1867, will probably continue these laws in force. Laws inflicting damages upon the owners of property for the legitimate use of it, and without any fault on their part, violate every principle of law and usage, and exhibit an anomaly in the administration of justice found nowhere, except where corporations are concerned.

If we could hope for legislation influenced by justice and the public good, the remedy for this acknowledged evil would be very plain and simple. It would be the total repeal of all remedies against railroads (State Road included) for stock killed by running of trains. There is no reason why the liability of railroad companies should rest upon different principles to those which apply to other parties and other interests. They are authorized to use their property for its chartered purposes, and if intruded upon by the animals of others, and accident happens, it should be at the risk of the owner, and not of the company, if not in fault. These laws, then, should be repealed, totally and absolutely, leaving only the remedies before they were enacted.

Private rights are not alone in question, but public policy affecting public morals is largely concerned. These laws offer a standing reward for negligence and fraud, and a heavy premium for crime.

Fourteen thousand dollars for cattle killed by the trains in eighteen months, and that, too, so shortly after the stock of the country was so much exhausted by Sherman's and Johnston's armies!

Who believes that such damage was ever necessarily or honestly incurred? For many years after railroads were instituted, no special laws were passed by the Legislature, and the killing of stock was rather a rare occurrence. Parties were left to their common-law rights and remedies, and it was generally conceded that the companies were not

liable, unless the officers were guilty of some negligence, or by reasonable effort might have avoided the injury. To keep up good feeling, however, the companies generally adopted the practice of paying whenever they thought there was any fairness in the claim. But, under this system, the loss of the citizen or the road was a mere trifle, not exceeding a few hundred dollars per year. Stock was impounded at night and in the winter season, when there was no range for them; were never fraudulently placed in the way of trains at night, that they might be killed, and when killed and valued were valued at fair prices. Under this honest system, the destruction of stock was not only avoided, but another benefit to rural economy was secured to the country, and especially the planting and farming interest, by the economy of waste manures for the benefit of their lands.

I will not further enlarge on this subject, but, in obedience to the request of the committee, will make some "suggestions" in relation to a remedy for the evil complained of; and,

1st. I would recommend the repeal of all special laws for the recovery of damages against railroads for stock killed by their trains, leaving them subject to the same common-law principles that govern the rights of other parties; or,

2d. If the first recommendation be deemed objectionable, and a liability unknown to the common law must be imposed upon railroads, let the assessment be for half the valuation, thus dividing the loss between the owner and the railroad. Under such modification of liability, the temptation to negligence and fraud would, in part at least, be removed; or,

3d. Take away all remedy for stock killed in the night. In this case, every presumption of negligence on the part of the road or its officers is removed, and if the owner of stock wishes to preserve it, let him keep it up at night and save the manure, as he had to do for his own good in the more honest days of the Republic; or,

4th. Exempt railroads from all liability for stock killed in the winter months, when the woods really afford no nourishment for stock. This would force a blessing upon the country, and especially upon the farming interest, by affording some inducement to the farmer and planter to keep up and take care of his stock, save them from loss, economize their manure and improve his lands. Now, under the legislation for voters, he considers his largest profit from stock to consist in the good fortune of having it killed by the railroads. True statesmanship will legislate to preserve, not to destroy, the property of the country. By over-valuation, individuals may gain something by destruction, but property destroyed is a loss to the public wealth, and should be discountenanced by the legislative authority of every civilized people. Very respectfully, yours, &c.,

JOHN P. KING, President.

OFFICE ROME RAILROAD COMPANY,

ROME, GA., November 3, 1868.

Col. T. D. Wright, Secretary, Atlanta, Ga.:

DEAR SIR: In answer to your committee's inquiry of 22d ultimo, in consequence of absence from home, answer has been delayed until now.

If railroads should pay at all, which I reckon they should, there should be a fixed value for all kinds of stock; for if men have more valuable stock they can better afford to take care of it. Therefore I would fix the value of a cow \$18, of a sheep \$1 50 or \$2, for a mule or horse \$75 to \$100, oxen \$25, hog of 150 lbs \$8, and so on. It has been my misfortune for seventeen years, in killing stock, to always kill the best blood in the land; and it will not do to leave it to assessors. I pursue a compromise course. It might be more equitable, as it is unavoidable, to have the owner bear half the loss. These suggestions, however, will do for your committee's deliberation.

Respectfully yours, &c.,

W. S. COTHRAN.

PRESIDENT'S OFFICE M. & W. R. R. COMPANY,
MACON, GA., October 31, 1868.

Hon. W. C. Smith, Chairman, &c., Atlanta, Ga.:

DEAR SIR: I have the communication of T. D. Wright, Esq., Secretary, with resolution of the committee of the Legislature of Georgia who are instructed to investigate the question of damages for stock killed on the Western & Atlantic Railroad, and to solicit reports from the other railroads touching the same question, &c.

The damages paid by this road to stock owners on the line of road is, in round numbers, twenty-four hundred dollars for the past year. The inhabitants on the line of road never care whether their stock is in danger on the road, take no care to keep them off the road, knowing that the fullest value will be given them for every one that may be killed or in any manner damaged.

It certainly has never been investigated by the Legislature how great the injustice the laws of this State as they are now do the most important interest in the State, and how much the laws now in force, and the manner of enforcing them, endanger the safety of the people when traveling on railroads. Cattle and stock of every description are suffered to go at large and remain on the railroad, when it would be entirely convenient, and cost the owner nothing to keep them in an enclosed lot. To a reflecting traveler it is not a matter of indifference if a train upon which he is traveling is suddenly thrown from the track, and his life, with hundreds of others, is as suddenly imperiled; the life of the engineer, and all hands on the train, by an animal suddenly attempting to cross the road, and so suddenly that no engineer or runner can stop his engine, or prevent running over the animal. I have seen the loss of life, and destruction of thousands of dollars' worth of property, by one animal suddenly placing itself on the track. I noticed with much interest the remarks upon this subject, introduced in the report of Major C. Wallace, Superintendent, referred to by your resolution, and concur with him in what he there said. I would most earnestly urge the Le-

gislature to make some modification in the laws of this State, and place some share of the responsibility for damages upon the owner of the stock; at this time the railroads are responsible for the value of the animal, and to passengers and employees for all damages that they may receive from accidents on the track. It would seem that the Legislature was unmindful of the greater interest, the lives and property of its people, to protect interest or value of an animal. Very respectfully, yours,

A. J. WHITE, President.

PRESIDENT'S OFFICE, ATLANTIC & GULF RAILROAD.
SAVANNAH, GA., 1868.

Hon. W. C. Smith, Chairman Committee W & A. R. R.:

SIR: In response to the communication of the Secretary of your committee, inviting suggestions as to the questions of stock killed by railroads, and placing them upon an equitable basis for presentation at the next General Assembly of Georgia, I beg to be permitted to transmit the accompanying copy of a report on this subject from the General Superintendent of the Atlantic & Gulf Railroad. He has dealt with the subject so clearly, and with so clear an appreciation of the hardships of the present law of the State, that I can have but little to add.

You are doubtless aware that the Atlantic & Gulf Railroad passes through a very large area of country on a line of 285 miles. But a small fraction of this country is enclosed by fencing, and, as a consequence, a very large portion of this territory is held as commons. Cattle, forming one of the principal products of the country, roam much at large, taking pasturage wherever it may best be found. The limit of their wandering is defined only by an unbounded circuit around the homestead, except where the proprietor, as seldom happens, has enclosed his land. There is, therefore, a vague and most unfortunate irresponsibility resulting from usage and the nature of the country, which attaches to the owners of cattle, and which gives them, under the present status of Georgia law, a pro-

tection against the railroad company wholly unwarrantable by justice or common sense. The golden maxim of law, "*Sic utere tuo ut alienum non laedas*," is here wholly forgotten, and the railroad company is held responsible for the value of stock *under all circumstances*. This is true even when the railroad company is in the lawful and proper enjoyment of its right-of-way and its servants earnestly endeavoring to avoid the damage ; and when, on the other hand, the owner of the stock has observed no effort to restrain or care for his property, but may indeed be only the more careless, if not desirous of its destruction, when he is secure of its value from the railroad company. It is well here to remind you that the value of the stock killed is assessed by the neighbors, all of whom have a common interest, as stock raisers, in maintaining prices, and that it is hence quite immaterial whether cattle are great or small, whether "stalled ox" or "leprous cow," they all command the highest market prices.

The State of Georgia stands almost alone in the flagrant injustice of its statute on this subject. In most of the other States in the Union the principle underlying the law is, that railway companies are not liable for damages to domestic animals running at large, unless such damage might have been avoided by ordinary care and prudence on the part of the company. This is certainly true in most of the Southern and Western States. But in Georgia the statute makes railway companies liable for all damages done to live stock. Well-defined accidental damage is not excused, nor damage after observing extraordinary diligence and care in avoiding it. A more violent absurdity than such a law can hardly be contemplated, especially when we find that it involves a more tender regard for the life of a cow or hog than for that of a human being. Let it be considered for a moment that a railroad train, freighted with men, women and children, may be cast from the track at night by a starving cow, the company's property destroyed thereby to a large amount in value, and the wreck mingled with the mutilated forms of the dead, the dying and the wounded, and that the owner, who has given

neither thought nor care to his cow, can demand the damage of his property, and levy for the same on the wreck stained with the blood of his fellow-beings. But what redress has the company? What redress has the widow and the orphan or the mutilated and the maimed?

You will observe from Mr. Haines' report that three-fourths of the stock killed on the Atlantic & Gulf Railroad are killed at night. This simply demonstrates that during the day there are either much fewer cattle on the track or that the company's engineers then observe greater diligence, and that it is more in their power to do so. There can be no established proof of the former alternative, while the latter is certainly true. The regulations of this company in regard to killing stock are stringent in the extreme, and it not unfrequently occurs that the engineers are severely fined for any evidence or neglect in striving for a reasonable avoidance of damage. Frequently any avoidance is simply impossible, either because cattle disregard all warning, or because in their fright they run back upon the track to find an easy path for running, or because they suddenly rush across the track from coverts where they cannot be seen, at a time when it is impossible to check the train. If railroad trains are to be stopped for all the cattle found on or near the track until they can be driven off to a distance, certainly the usefulness of railroad trains as public conveniences will be seriously impaired. High speed is simply impossible, and so far as the prompt delivery of mails, and the rapid transit of passengers and freight is concerned, the public good must become subservient to a petty regard for the wandering property of individuals.

At night it is generally impossible to avoid the damage, for the headlights of engines do not show objects, so large even as cattle, to a distance sufficient to arrest the train unless running at very low speed, as when approaching a station. What precaution then can engineers ordinarily use to prevent collisions with cattle at night? Does it not seem absurd to make the railroad company liable for that which is not merely accidental in common acceptance, but absolutely unavoidable? •

It seems, therefore, that whether the damage occur by day or by night, it may be unavoidable, and here would appear to lie the point at which the question between owners of stock and railway companies in Georgia may be equitably adjusted. The usages of the people and the nature of the country render it impracticable for the owners of stock to keep their cattle wholly from the railroad track; it is equally impracticable for the railroad company to fence in its right-of-way, and thus fence out the cattle. The railroad company has a right to the lawful and proper enjoyment of its property, in the use of its engines, cars, track and right-of-way; the owner of cattle has also a right to the lawful and proper enjoyment of his property, and this he cannot exercise without permitting his cattle to range out of his immediate reach, as allowed by the usage of the inhabitants or demanded by the nature of the country. The railroad property is a fixture: its engines and cars run on a fixed and unchangeable line; the cattle of the owners are not restrained, save in a captious measure. Would it not seem equitable in such a case that the principle, to which I have referred as obtaining generally in other States, should be applied to Georgia, namely, that railway companies shall not be liable for damage to domestic animals, unless such damage might have been avoided by ordinary care and prudence on the part of the company?

The application of this principle throws the whole "*onus probandi*" on the company, compelling it to show whether or not the damage occurred after ordinary care and prudence had been observed. I am compelled to admit that I am not thoroughly satisfied that full and just protection would be given to railroad companies by such a rule; still it would be an immense advantage gained to them in contrast with the present one-sided and oppressive condition of the law, which, on this subject, seems really to be founded in a spirit rather of vindictiveness than of justice.

I would not, however, be understood as desiring the law so revolutionized that it would act unjustly against the owners of stock, nor as so disposed that I would be willing

to legalize such license in the running of railroad trains as might induce a carelessness in engineers.

I will be happy if these crude suggestions on the most vexed and vexing of all questions connected with the railroads in this State shall prove of any service to your committee. Very respectfully, your obedient servant,

JOHN SCREVEN, President.

—
ATLANTIC & GULF R. R. CO., GEN. SUP'T'S OFFICE,
SAVANNAH, GA., October 28, 1868.

Col. John Screven, President :

DEAR SIR: In accordance with your directions, I respectfully submit the following report concerning the killing of stock by the company's trains.

From the reports made to this office from January 1, 1867, to September 31, 1868, the following statement of stock killed by trains has been compiled :

	1867—No.	1st Jan. to Sept. 31, 1868	Total No.
Horses and Mules....	4	1	5
Cattle. ..	534	390	924
Hogs	102	190	292
Sheep. ..	7	11	18
Goats. ...	4	11	15
<hr/>			
	651—Value \$7,046 05	603—Value \$5,132 22	1,254
<hr/>			
Total value	\$12,178 27		
Killed by night trains.	509	344	853

I scarcely know what to say concerning the laws at present governing this matter which has not already been most forcibly stated by others.

The practical result of the law is this: That the property of private persons is protected to that degree that no extenuating circumstance can be presented to the court that will be of the slightest avail in abating the damage as appraised by the neighbors of the prosecutor, while the property of the corporation, and the lives and property entrusted to its care, are endangered and destroyed, without protection or compensation being provided for by the law.

The private individual is bountifully re-imbursed for the damages resulting from his own trespass, and that, too, at the expense of the party whose territory is intruded upon, and whose property may, in consequence, be seriously injured. To the traveling public, whose lives and limbs are also imperiled, no protection is afforded, nor can they be indemnified for the damages they may suffer, save, perhaps, at the expense of the very corporation that has itself been damaged by the same casualty.

However desirable it may be that the railroad and the public should be protected from this danger, it would be a heavy burden upon our long lines of Southern roads if their scanty incomes were to be drawn upon to fence out their neighbors' cattle from their tracks.

This could not be thoroughly done, save by substantial fencing and gates, supplemented by watchmen day and night at every road-crossing. Some time ago, I gave the subject some attention, and ascertained that the plainest and cheapest fence that would be suitable for this purpose would cost \$1,000 per mile, and as I could not ask you to devote \$285,000 to this end, we have had to accept the alternative of paying for the stock.

If it be admitted that it would be unreasonable to expect our railroads to keep the cattle off their roads by fencing, is there no other way in which this fruitful source of damage and peril may be stopped, or at least diminished? I think not, so long as it is the interest of the owner of the stock that it should be killed by the trains.

The expense to railroad companies would be somewhat lightened by the adoption of your suggestion—that they should not be required to pay for stock killed by trains running at night, without proof of want of proper diligence on the part of the company in avoiding the killing; for surely it is utterly impossible for the company's engineers, however vigilant, to stop a train in the short distance at which their head-lights illumine the track. With such an amendment to the law, it should remain with the owner of the stock to prove that it was killed in the day time.

If such a change should not be thought advisable, I earnestly appeal for some protection against the present summary process for the collection of such claims, by which we are peremptorily cited by writs served upon any of the company's agents to appear at any Justices' Court at very short notice, then and there to pay whatever may be demanded, with costs added, although we propose to pay the same prices at the end of the month. This vexatious litigation occurs so frequently that it may be called oppressive; and it would be a happy deliverance if the ends of justice could be answered by relieving us of it. This might be done by the appointment of commissioners, not owners of stock, in each county, to fix a standard price at which stock killed by trains should be valued, and by permitting at least thirty days to elapse before suits for such damage could be instituted.

It is perhaps unnecessary for me to add how much more equitable it would appear, at least to those of us whose lives are daily put in danger from this cause, if all the previous legislation upon this subject were erased from the Code, and the principle clearly established that the owners of stock should not be re-imbursed for damages resulting from their trespass upon the track. I have observed how such a prohibition has worked in a small way upon this road. Since the company determined not to pay for stock belonging to the proprietors of saw mills situated upon the right-of-way, there has not been a single horse or mule killed, while it had occurred frequently before the company came to that determination. So much for bringing into unison the interests of both parties. And could the same rule be made general by legislation, while the Atlantic & Gulf Railroad Company would certainly save \$7,000 per annum, I believe that greater protection would be afforded the traveling public. Respectfully submitted,

H. S. HAINES, General Superintendent.

Your committee found many aggravated cases in the shape of claims against the road both for stock killed and damage to human life and limb. Some are in suit, while

others are not. In instances of the latter character, "demands" have been made in legal form through attorneys, and to one particular case the attention of your committee was called. Mr. F. was a freight conductor in the employ of the road, and whilst in charge of his train, met with an accident to his ankle. To compensate him for the damage sustained, he made a claim upon the road for the sum of *ten thousand dollars*. To illustrate the merits of this one case, we append the evidence of Campbell Wallace, Esq., who was Superintendent at the time of said accident to Mr. F., and who was summoned before the committee. Major Wallace said :

"I look upon Mr. F. as one of the best way-freight conductors I ever knew. I cannot conceive what business he had on top of the train. He had an accidental policy of insurance during the time he was laid up. I kept his pay going on, as was the custom in such cases. I look upon him as a gentleman, and kept him employed during my administration. I told him that I could not consider his claim, and hoped he would make none. I do not think the State owes him anything. If he had not been on top of the train, the accident would not have happened."

Mr. M., an employee of the road, is another claimant. He was a train hand during the late war, and while the rolling stock of the road was "refugeeing," he met with an accident which cost him a leg. The merits of his case were considered by the committee, Mr. M., at his own request, being called before it, and given a full hearing. After a full investigation of *his own* testimony, the following resolution was passed :

"*Resolved*, That, after careful investigation by the committee in the case of Mr. M., an employee of the Western & Atlantic Railroad, for idemnity, it is the opinion of the committee that he has no legal claim against the road, and that the committee be discharged from its further consideration; but that, in view of all the circumstances in the case, the proper officers of the road be requested to give employment to said M. at reasonable wages so long as

he discharges the duties of the position in a satisfactory manner."

The subjoined statement of claims, although numerous, were submitted to your committee for arbitration. The whole amounting in the aggregate to \$32,708 91. We are indebted to the Attorney General for the exhibit, and recommend it as an exact copy as taken from the railroad docket in his possession.

ATLANTA, GA., February 15, 1869.

Hon. W. C. Smith, Chairman of Committee, etc. :

SIR: As the committee of which you are chairman wisely consented to act as arbitrators for the settlement of claims against the Western & Atlantic Railroad, and by so doing, have given a speedy termination to quite a number of cases which would otherwise have remained perhaps a great while upon the dockets of the courts along the line of the road, at a heavy expense to the State, I deem it proper, as you are about to conclude your labors, to present to the committee, through you, a brief report of the cases thus disposed of. Quite a number of these cases were submitted for the consideration and judgment of your committee, not simply because of the amount involved in the cases submitted, but from the further consideration that a multiplicity of similar claims were being urged against the road, and the decision of one case by a committee composed as your committee is, and possessed of so much weight of character and authority, would have a controlling effect upon all other similar cases, and avoid much litigation. The hope that your decisions would thus control other claims and prevent troublesome and expensive litigation, we are already able to say was well founded, as the parties, in numerous cases have signified their determination to abide by your decision upon analogous cases without resorting to the courts. The case of Col. R. M. Young, of Gordon county, only, involved between one and two thousand dollars itself, but there were an infinite number of cases along the line of road, amounting in the aggregate

to many thousands of dollars, which will be controlled by your decision in his case.

Your decision in those cases where the parties were claiming for services rendered during the war, when both the claimants and the road were engaged in aiding the war, will doubtless control all similar cases and relieve the road of many vexatious suits. In the case presented by Mr. J. Welch, who claimed that the road was indebted to him in the sum of eight hundred and twenty-five dollars, because of the reduction of his salary without his consent—the first case of the kind known to me—your decision will doubtless prevent further controversy as to the right of the Superintendent of the road to reduce salaries and wages at the expiration of any month by giving notice to employee.

The following is a complete list of claims against the road submitted to and arbitrated by your committee, to wit:

Dr. D. G. Hunt—for medical services. Award in favor of claimant in sum of \$50.

Thomas Moore—Personal services rendered during the war. Award in favor of the road.

Bluford D. Smith—For hire of wagon-team during the war. Award in favor of the road.

Col. R. M. Young—Balance claimed on wood and cross-ties. Award in favor of the road.

Hartwell A. Baldwin—For services rendered during the war. Award in favor of the road.

J. A. Ragsdale—for injuries to stock by engine. Award in favor of the road.

Thomas Johnson—For services performed during the war. Award in favor of the road.

C. W. Johnson—For services performed during the war. Award in favor of the road.

J. Welch—For balance claimed on salary as agent at Chattanooga. Award in favor of the road.

Thomas W. Dean—Personal services rendered during the war. Award in favor of the road.

Thomas D. Wright—For services as clerk during the war. Award in favor of the road.

Lucy Chappell—Damage to land from insufficient culvert. Award in favor of claimant in the sum of \$50.

John A. Casey—For services as laborer during the war. Award in favor of the road.

Christopher Dodd—For goods lost during the war. Award in favor of the road.

T. A. Browning—For personal services during the war. Award in favor of the road.

J. M. Anderson—For money paid to road under misapprehension. Award in favor of claimant in the sum of \$138 33.

John T. Arnold—For personal services rendered in 1865. Award in favor of the road.

B. T. Leak—For goods lost in 1862. Award in favor of claimant.

John P. Dean—For labor performed in 1865. Award in favor of the road.

James Barnes—For personal services rendered during the war. Award in favor of the road.

John B. Buffington—For personal injury from explosion of engine in 1862. Committee declined to act.

W. H. Hudson—For personal injury from explosion of engine in 1862. Committee declined to act.

T. J. Clark—For injury to person in 1868. Award in favor of the road.

W. R. Blackstock—For overflow of land at Chickamauga creek. Award in favor of the road.

In conclusion, I avail myself of this opportunity to return to yourself, and the members of your committee, my grateful acknowledgments for the courtesy and kindness shown me in all my intercourse with your committee as the attorney for the road.

Respectfully submitted.

HENRY P. FARROW,
Attorney Western & Atlantic Railroad.

In the matter of the claim of the State of Georgia against the United States Government for the use of the Western & Atlantic Railroad in 1865, your committee made an effort to get at the facts in the case.

From the testimony of Col. Baugh, Superintendent under the administration of Provisional Governor Johnson, we found that when the Southern roads were relieved from military control, in the year before mentioned, an agreement was signed by General Thomas allowing the Southern roads compensation for the time they were used from the time General Joseph E. Johnston surrendered. Said contract was made through Col. Samuel Tate, in behalf of Southern roads, and the Western & Atlantic Railroad has never received compensation for services rendered. The contract spoken of was forwarded to the proper department at Washington, and the amount due is estimated at from seventy-five to one hundred thousand dollars. Upon this information, your committee communicated with his Excellency the Governor, who immediately dispatched to the Secretary of War, and the following is his reply :

WASHINGTON, D. C., Nov. 12, 1868.

Received at Atlanta November 12, 1868.

To Eugene Davis, Secretary Executive Department, Ga.

No such agreement exists. The Secretary of War has sent a letter by mail to-day

J. L. RATHBONE, A. D. C.

Your committee, however, would recommend that the Attorney General, with the assistance of the Executive, be requested to prosecute this claim, and bring about as early a settlement as practicable, for the reason that your committee is of the opinion that, upon the principles of justice and equity, the same should be recovered.

The question as to the liability of railroad companies to employees was referred to a sub-committee, and they have submitted a bill, accompanying this report, in reference to the repeal of that portion of the Code bearing on that important matter.

LINE OF ROAD—MOTIVE POWER—DEPOTS—MACHINERY—
SHOPS, &C.

In response to that part of the joint resolution requiring an examination into the "running and management" of the Western & Atlantic Railroad, the committee is enabled to report fully and at great length. It was deemed proper to first obtain from the several officials of the road statements of their respective departments, and then, by rigid investigation, to ascertain if such statements were borne out by the facts. To that end, the following resolution was adopted:

Resolved, That the Secretary address a communication to the Superintendent, Master of Transportation, Treasurer and Supervisor, of the Western & Atlantic Railroad, requesting each to furnish all the information in their possession relative to the present condition of said road, together with any recommendations that the Superintendent may have to make. Said information to be based upon transactions occurring from the date that the road was turned over by the military authorities of the United States.

In accordance with the above resolution, the attention of the General Assembly is directed to the following communications received from E. Hulbert, Superintendent, and through him, the accompanying reports of A. L. Harris, Supervisor, J. H. Flynn, Master of Machinery, and W. G. Gramling, Superintendent of Car Shops.

WESTERN & ATLANTIC R. R., OFFICE SUPERINTENDENT,
ATLANTA, GA., November 10, 1868.

Hon. W. C. Smith, Chairman Joint Committee:

SIR: In accordance with a resolution adopted by your committee, October 20, 1868, asking for "any recommendations that the Superintendent may have to make," I beg leave to call your attention to some matters of importance to the present, and especially to the future, successful working of the road.

We have forty-four (44) miles of worn rails that require re-rolling at an early day.

Thirty-five hundred (3,500) feet of bridging rapidly damaging for want of cover.

Wooden machine and wood shops in constant danger of fire, from the combustible material of which they are constructed, all of which should be remedied as early as possible, and which will necessitate a large expenditure of money.

The estimated cost of improvements is as follows :

Machine, Wood Shop and Foundry (Fire-proof)	\$100,000
44 Miles Rail, (60 lbs per yard) say 4,150 tons, to be re-rolled @	
\$35 per ton	145,250
Spikes	4,000
3,500 Feet Bridges to cover, @ \$6 per foot	21,000
New Bridge over Allatoona Creek, and masonry	25,000
New Bridge (trestle) Chattanooga	5,000
Repairing Bridges and Culverts	5,000
	<hr/>
	\$305,250

The true interests of the road demand that these improvements be made without delay.

The entire surplus of earnings of the road should be appropriated to this end until these necessary improvements are completed.

Very respectfully, your obedient servant,

E. HULBERT, Superintendent.

WESTERN & ATLANTIC R. R., OFFICE SUPERINTENDENT,
ATLANTA, GA., November 10, 1868.

Hon. W. C. Smith, Chairman Joint Committee:

SIR: I have the honor to herewith enclose report from A. L. Harris, Esq., Supervisor, in accordance with a resolution adopted by your committee October 20, 1868, calling for "information as to the present condition of the Western & Atlantic Railroad."

A careful examination of the line in person enables me to fully endorse his report; all of which is respectfully submitted.

Very respectfully, your obedient servant,

E. HULBERT, Superintendent.

WESTERN & ATLANTIC R. R., OFFICE OF SUPERVISOR,
ATLANTA, GA., November 7, 1868.

Colonel E. Hullbert, Superintendent:

DEAR SIR: In accordance with your orders, to make a thorough examination of the Western & Atlantic Railway, and report its condition, I have the honor to report:

No man can examine and form a correct judgment of the condition of a railway track, culverts and bridges by riding over them and making the examination from the platform of a car. The only way to understandingly examine is to take it on foot, and slowly at that.

I have passed over the entire length of the road twice in this manner, and by hand car, and have visited many defective portions several times.

Road-bed.—The condition of the earth-work, upon which rest the ties, is not as good as it should be, being too lean in many places the entire length of the road. This was caused by frequent "raising" of the track, until a large portion of it is perched upon a narrow ridge of earth, sometimes not as wide as the ties are long.

"Raising" track is not what the term would indicate—putting the whole track any higher—but consists in raising such portions as may have been sunk down by heavy trains in wet weather, to the general surface of the track. The proper way to keep up track is to establish a regular grade line and keep the track to it, never disturbing the ties, generally, from their bed, only to replace them when decayed. I have given directions to that effect, and that the top of the road-bed be widened with bold, rounding shoulders. This is being gradually done. Especially does the high-fill above Vining's need more earth to render it safe.

Ditches.—The ditches in the cuts were insufficient for proper drainage, being too near the ends of the ties, and not deep enough, thus causing the road-bed to be kept soaked with water, and making it extremely difficult to keep up the track. This I am having remedied as fast as possible. The bad wet cuts at 6 mile, 13 mile, 20 mile and

24 mile, and some smaller cuts, having been properly ditched, will give no more trouble.

Cross-ties.—The cross-ties have been generally renewed, and are in very good condition. I have had about 10,000 put on the track since last August, and about as many more will be necessary to take it through the winter.

Iron.—The iron on the road consists of several patterns, 4-inch English T, 4-inch American T, 3½-inch American T, 3-inch T, 3½-inch light T, known as the "Little Government," 3½-inch light T, known as the "Joe Brown," and 3-inch U—seven patterns. The best iron in use on the road, and what we are now laying down, is 3½-inch T—56 pounds to the yard.

The iron is laid in several patterns of clamps or chairs. The small lipped wrought chair—of no account. The small wrought chair—of no account. The small wrought cuff chair—of no account. The Bucks & Reeves' three-spoke chair—wrought. The cast flange chair, and with no chairs. The best of the lot is the Bucks & Reeves' three-spoke chair, which we are now using in laying track. These chairs have been improperly placed in laying track, placing the bearing upon the outside of the rail, thus rendering them of but little more service than the ordinary chair. Whenever a joint is repaired now, the chair is turned and rendered more serviceable. A large quantity of the new iron has been much injured by improper track-laying, bad matching of joints, inattention to keeping joint ties up, and the joints spiked down. The ends of the rails have become washed, and it is a matter of impossibility to maintain with them a perfectly smooth track.

The rails were insufficiently spiked on the 2d, 3d, 4th, 5th, 6th, 7th, 12th, 13th, 15th, 16th, 38th, 39th, and many other miles. Directions have been given to spike each side of each rail on each tie; thus, in a measure, preventing that dread of railroad men, broken rails; or, if they should break, preventing serious damage.

There are forty-four miles of scrap iron serving for rails on the road, as follows:

From 11 mile post, $1\frac{1}{4}$ miles ; from 13 mile post, $1\frac{1}{4}$ miles ; from 16 to 24 mile posts, $2\frac{1}{2}$ miles ; the 27th, 28th, 29th, 30th, 32d, 33d miles ; from $38\frac{1}{2}$ miles to $60\frac{3}{4}$ miles ; from $61\frac{7}{8}$ miles to $65\frac{1}{2}$ miles ; from 66 1-10 miles to 69 miles ; from $74\frac{3}{4}$ miles to $76\frac{3}{4}$ and 80 to 82 miles—very bad ; from 107 to $107\frac{1}{2}$. In addition to this we have taken up three miles and put down new iron.

Bridges.—The bridges are Howe Truss and Stringer, and are not in good condition. The Howe Truss bridges, 15 in number, having been built two years and upwards, and not covered ; all have commenced to decay and are out of shape. I estimate that one-third of the service of these bridges is lost to the road by their thus remaining uncovered. From three to six months is the greatest length of time a Howe Truss should be exposed, however green the timber may be from which it is built, and if of seasoned timber, it should be covered when built. The fact that the timber will shrink, and the bridge require frequent screwing-up, should not delay covering a day, as the rods are made with screw-threads and nuts at each end, and can be tightened from beneath.

The cords of a bridge should rest on a solid wall-platè. Iron is best, but if wood is used, it should be a single piece, perfectly fitting the masonry and the bottom of the cord.

The bridges are, generally, cobbled up with pieces of board, blocks, wedges and shingles. In some instances the cords are wedged upon the masonry, the floor-beams are wedged upon the cords, the stringers wedged upon the floor-beams, and the ties wedged upon the stringers, instead of each fitting perfectly, of itself, in its place.

In the construction of the truss bridges, wooden angle blocks were used, instead of iron, for the main and counter braces, rendering it an impossibility to keep the bridges in shape, the track over them in line or to a surface, because of the pressure of the ends of the braces upon the side frame of the angle blocks, breaking the grain of the latter, thus causing the bridges to settle unequally.

The Chattahoochee bridge is a Howe Truss, six 100-feet

spans, with track over the top. It is badly damaged from careless construction and exposure to the weather; is warped out of shape, and in very general bad condition. It is approached at each end by 75 feet of stringer work on bents. The bents are rotten and patched up with planks spiked on them, and are bolstered up on timber pens, blocked up and wedged up generally. The bridge needs a thorough overhauling. Eleven new bents and new stringers are required, and new plank ties throughout. The masonry is too light for its height, and has settled and cracked in places.

Allatoona Creek Bridge—A double arch culvert has been built here, but has fallen in and now obstructs the stream. A Howe Truss, 140 feet long, with track over the top, now lies in a gap. The bridge is scarcely able to sustain its own weight, and is supported by rotten bents beneath the cords. It is cobbled and wedged up, and cannot be repaired except by a new structure.

Etowah River Bridge is a Howe Truss, six 100-foot spans; is cobbled up on the piers; coping of abutments thrown off.

Pettus' Creek—49½ mile—4 spans, stringer.

Two Run—55½ mile—4 spans, stringer, with braces and iron anchors; badly constructed, cobbled up and braced-footed on wooden cobble work.

68 mile—3 spans, stringer.

Oothcaloga—70 mile—3 spans, stringer.

Oothcaloga—77 mile—4 spans, stringer.

Oostanaula River—84 mile—South end over low ground, is of braced stringers with iron anchors, on 3 by 10 double track piers and 12 new piers. A Howe Truss, 3 spans, crosses the river, with track running through. South abutment masonry needs repairing.

Swamp Creek—90 mile—4 spans, stringer; rock work needs repairing.

96 mile—1 span, stringer, needs new stringers; rock work thrown down.

98 mile—1 span, stringer, needs new stringer; rock work thrown down.

Mill Creek No. 1—102 mile—1 span, stringer. In very bad condition, with bent under stringers, and all rotten and cobbled up with blocks and wedges.

Mill Creek No. 2—103 mile—3 spans, stringer, braces and iron anchors.

Chickamauga "A"—111 mile—4 spans, stringer, braces and iron anchors. Rock work loose. North abutment should have stone protection.

Chickamauga "B"—112 mile—4 spans, stringer, braces and iron anchors. Rock work loose.

Chickamauga No. 1—112 mile—1 span, Howe Truss, cobbled at both ends.

Chickamauga No. 2—113 mile—1 span, Howe Truss.

Chickamauga No. 3—113 mile—1 span, Howe Truss, cobbled at both ends.

Chickamauga No. 4— $113\frac{1}{2}$ mile—2 spans, Howe Truss, cobbled at both ends and on pier. Rock work loose.

Chickamauga No. 5— $119\frac{3}{4}$ mile—2 spans, Howe Truss, badly cobbled at both ends and on pier. Dry rot at work. Rock work thrown off.

Chickamauga No. 6—120 mile—2 spans, Howe Truss, badly cobbled at both ends and on pier. Stringer wedged up.

123 mile—2 spans, stringer, supported by bent, needs new stringers. Rock work loose; needs earth filling back of abutment wings.

128 mile—3 spans, stringer, supported by two old bents, needs pier and new stringers. All cobbled. Rock work loose.

Chickamauga No. 7— $123\frac{1}{2}$ mile—2 spans, Howe Truss, cobbled at both ends and on pier. Timber rotting. Rock work loose.

Chickamauga No. 8—124 mile—2 spans, Howe Truss, pier sunk at upper end. Cobbled.

Chickamauga Branch—127 mile—3 spans, stringer, cobbled at both ends.

Chickamauga No. 9—128 mile—2 spans, Howe Truss, cobbled at both ends and on pier. Masonry shaky.

Chickamauga No. 10—129 mile—3 spans, Howe Truss, cobbled at both ends and on second pier.

Chickamauga No. 11—129 $\frac{3}{4}$ mile—2 spans, Howe Truss, cobbled.

In these bridges Nos. 1 to 11 the truck runs through.

Culverts.—The culverts are generally built of stone, and, with some exceptions, perform their office of conducting water across under the track. Most of them were put in when the road was constructed. There are two hundred and fifty-eight, (258,) classified as follows :

15 Arch Culverts.

55 Open Culverts.

13 Double Box Culverts.

175 Single Box Culverts.

On the 8th mile is a single box culvert in bad order, the side walls having given way.

Near 9-mile post a double box caved in.

9th mile—Lower end of rock cut, a double box, masonry fallen off; needs repairs in middle.

9th mile—A double box in bad order, washing through.

10th mile—A single arch stopped up.

11th mile—Upper end Vining's, on fill, single box, stopped up.

51 $\frac{1}{4}$ mile—Large open culvert, very bad order, needs new walls and stringers.

51 $\frac{3}{4}$ mile—Large open culvert, double, very bad order, needs new walls and stringers.

52 $\frac{3}{4}$ mile—Large open culvert, bad order, stringers on wooden sills; needs new.

64th mile—Open culvert, bad order.

66 $\frac{1}{4}$ mile—Box culvert, filled up and bursted.

68th mile—Open culvert, needs re-building.

71 $\frac{1}{4}$ mile—Open culvert, should have new stringers.

72 $\frac{1}{2}$ mile—Open culvert, bad order.

72 $\frac{1}{2}$ mile—At crossing, open culvert of ties, should be rock.

72 $\frac{3}{4}$ mile—Open culvert, should have new stringers.

73d mile—Open culvert, should have new stringers.

73½ mile—Open culvert, in bad order, should have new stringers.

75¼ mile—Open culvert, bad order.

83¼ mile—Open timber culvert, rotten.

83½ mile—Open culvert, no walls.

83½ mile—Open culvert, no walls.

84th mile—Open culvert, no walls.

85½ mile—Open culvert, bad order.

87th mile—Arch culvert, masonry at both ends fallen off.

88th mile—Arch culvert, masonry on right side fallen off.

88½ mile—Single box, caved.

90th mile—Arch culvert, masonry fallen down.

91st mile—Arch culvert, masonry fallen down, arch exposed; needs earth-filling.

93d mile—Arch culvert, settled at upper end, masonry fallen off; needs earth-filling.

93d mile—Open culvert, should have new stringers.

114th mile—Open culvert, bad order.

116th mile—Single box, bad order.

118th mile—Open culvert, stringers old and unsound.

118th mile—Hurricane Creek—arch culvert, masonry fallen off.

Stock Guard.—The stock guards are of a temporary nature and of but small service, being built of timber, plank and logs, and the stringers over them insufficient and unsound.

Tunnels.—After a thorough examination the tunnel was found to be in a broken and very dangerous condition, and upon inquiry, it was ascertained it had been so the past year, or longer. Five places were found where the brick masonry was broken through; in some instances large masses having fallen, and brick coming down daily. Work was commenced upon it about the first of September, and the repairs were completed about the first of October. In every case of break it was found to be caused by huge masses of rock working through the clay from above. The brick masonry was removed sufficiently and the rock taken out by blasting, and the arch securely replaced. By

, simple contrivance of iron supports the repairs were made without detention of a single train or interruption of the traffic of the road in the least.

Warehouses.—With two or three exceptions, the warehouses or depots along the road are in bad condition, with leaky roofs, unsafe doors and windows; needing cleansing and painting without and within. No accommodations were provided for passengers, the rooms being without furniture and comfortable.

Especially at Chattanooga is the freight house in a shocking condition from neglect in making repairs. The wood work has literally rotted away, plaster fallen off and platforms rotted and broken down. The passenger shed, a fine brick, tin-roofed structure, was going to ruin for want of painting, glazing and roof repairs. It is now being thoroughly renovated.

The other depots are also in course of repairs, and will be made serviceable and comfortable as rapidly as possible.

Wood and Water Stations.— $2\frac{1}{2}$ miles from Atlanta. Platform broken down and worthless; must be replaced with a new one. Stationary engine with upright boiler, cracked and in general bad order. Tank leaks badly, caused by freezing when being built. Shed covering poor and leaky. Water in well insufficient; should be deepened.

11 miles—"Vining's"—Stationary engine in good order. Rough board shed. Water insufficient. 2 wells, connected by 56 feet tunnel.

24 miles—"Harris'"—Stationary engine, with upright boiler, in bad order. Shed of a few rough boards supported by poles.

31 miles—"Moon's"—Stationary engine and machinery exposed to the weather, there being no shed or covering of any kind.

49 miles—"Allatoona"—Stationary engine and boiler old and patched. Very good shed.

64 miles—"Summit"—Stationary engine. Rough board shed on poles—leaky.

76 miles—Stationary engine. Framed shed with shingle roof, badly rotted ; no protection against rain.

86 miles—"Gober's"—Stationary engine. Rough board shed on scantling. Well was too shallow ; had it deepened.

97 miles—"Keith's"—Stationary engine, in bad order. Scanty rough board shed. Well on present keeper's land.

112 miles—"Greenwood's"—Stationary engine. Rough board shed on poles ; no protection against rain.

120 miles—"Graysville"—Stationary engine. Rough board shed on poles ; no protection. Well has insufficient water in dry time.

136 miles—near Chattanooga—Small engine ; pumps water only ; insufficient water.

Wood sheds 60x200 feet are required at eleven points along the line of road.

Construction of wood and water stations, repairs of depots, warehouses and platforms, construction and repairs of bridges and track will cost a large amount of money, but must be made before the road can be classed as in anything like good running order.

Very respectfully,

A. L. HARRIS, Supervisor

TABLE J—LOCOMOTIVE TABLE.

Giving the Name or Number of each Engine; when put upon the Road; by whom built; Service; Character; Present Condition; Cost of Repairs; Number of Miles Run; Cords of Wood, Gallon of Oil, Pound of Tallow and Waste; Cars Hauled; for the Year ending September 30, 1868.

NAME OR NO. OF ENGINE.	WHEN PUT UPON THE ROAD.	BY WHOM BUILT.	SERVICE.	CHAR. OF ENGINE.				PRESENT CONDITION.	Cost of Repairs.	No. Miles Run.	NO. OF MILES RUN TO				CARS HAULED.	
				CYLIND'S	DRIVERS.	DIA.	STK.				Cord of Wood.	Gallon of Oil.	Lb of Tallow.	Lb of Waste.	Loaded.	Empty.
				DIA.	NO.	FT.	IN.									
YONAH.....	Ap'l, 1849	Rogers, Ketchum & Grosvenor..	Stationary....	12	18	4	5	6	Running Order	\$ 1,491 44						
CHATTABOOCHER.....	Dec., 1851	M. W. Baldwin.....	Switching....	13½	22	4	4	6	Good Order....	1,783 75	2,600	43½	137	54		
COOKAWATTEZ.....	Mar., 1852	Norris & Brothers.....	"	12	24	4	4	6	"	91 20	11,080	32½	231	43½	63½	
JACK MORGAN.....	Dec., 1852	Rogers, Ketchum & Grosvenor..	"	13	24	4	4	6	Needing Repairs	75 65	7,795	33	166	43	69	
SOUTH CAROLINA.....	"	M. W. Baldwin.....	"	13½	24	4	4	6	"	203 00	4,531	21½	108	19½	113	
INDIANA.....	"	"	"	13½	24	4	4	6	"	"	"	"	"	"	"	
NEW HAMPSHIRE.....	"	Amoskeag Manufacturing Co.....	"	13	24	4	4	6	"	"	"	"	"	"	"	
PENNSYLVANIA.....	"	Norris & Brothers.....	"	13	24	4	4	6	Condemned....	17 85	6,900	45½	287	78½	150	
LOUISIANA.....	Jan., 1853	"	"	13	24	4	4	6	Good Order....	2,067 85	800	40	180	44½	61½	
NEW YORK.....	"	Rogers, Ketchum & Grosvenor..	"	13	24	4	4	6	"	2,186 78	3,350	43	139	47	53	
JOEL CRAWFORD.....	Jan., 1854	"	Passenger....	12	20	4	4	5	Needing Repairs	856 90	25,892	47½	159	68½	81½	1142
GAZELLE.....	Feb., 1855	"	"	13	20	4	4	5	Good Order....	1,012 01	14,230	34½	212	66½	71	
GOVERNOR.....	"	"	Construction	15	22	4	4	5	Running Order	1,226 36	17,090	37½	172	69	74	605 375
PRESIDENT.....	Nov., 1855	"	Freight....	16	22	4	4	5	Good Order....	44 80	6,444	44½	143	57½	66	274
VERMONT.....	Dec., 1855	Danforth, Cooke & Co.....	Passenger....	14	22	4	4	5	"	497 75	19,390	32½	196	70	85½	1843 1076
GENERAL.....	Jan., 1856	Rogers, Ketchum & Grosvenor..	Freight....	15	22	4	4	5	Running Order	749 85	9,100	34½	149	60½	70	611 480
JOE BROWN.....	Feb., 1856	Re-built by W. & A. R. R.....	"	15	24	4	4	5	Good Order....	1,408 85	16,560	35½	146	66	79	1130 961
SENATOR.....	Ap'l, 1856	Rogers, Ketchum & Grosvenor..	"	15	22	4	4	5	"	1,108 66	13,442	41	164	57	78	903 566
CHIEFTAIN.....	"	"	"	15	22	4	4	5	"	874 96	16,384	32	167	68	76½	972 939
J. W. LEWIS.....	"	Re-built by W. & A. R. R.....	"	15	24	4	4	5	Running Order	776 02	10,390	39	182	60	68	481 318
NICKAJACK.....	"	Danforth, Cooke & Co.....	"	15	23	4	4	5	"	8,454 33	5,780	31½	141	55½	361	306
ENTERPRISE.....	May, 1856	Richard Norris & Son.....	"	15	24	4	4	5	Good Order....	656 45	17,904	30½	149	59½	71½	1009 764
COMMERCE.....	"	"	"	15	24	4	4	5	"	1,591 95	"	"	"	"	"	
47.....	Feb., 1867	"	"	13	24	4	4	6	"	2,219 29	138	34½	198	69	46	17
KENTUCKY.....	Oct., 1856	Danforth, Cooke & Co.....	Freight....	15	22	4	4	5	Good Order....	808 60	18,020	35½	178	62	73	1311 700
TEXAS.....	"	"	"	15	22	4	4	5	"	617 75	21,944	51	167	67½	81½	1000
DISPATCH.....	"	"	Passenger....	13½	20	4	4	5	"	"	"	"	"	"	"	

LOCOMOTIVE TABLE.—CONTINUED.

NAME OR NO. OF ENGINE.	WHEN PUT ON THE ROAD.	BY WHOM BUILT.	SERVICE.	CHAR. OF ENGINES.			PRESENT CONDITION.	No. Miles Run.	No. of Miles Run To				CARS HAULED.	
				CYLIND.'S DRIVERS.					Cord of Wood.	Gallon of Oil.	lb of Tallow.	lb of Waste.	Loaded.	Empty.
				DIA. F'ch	STR. F'ch	NO. DIA. in								
CHICKASAW.....	Nov., 1856	M. W. Baldwin & Co.....	Freight.....	15	24	4 5	..	643 40	19,292	33 1/4	159	63	77	1332 849
CHICKASAW.....	..	..	..	15	24	4 5	Under Repairs..	1,317 27	7,200	20 1/2	150	53	67	378 296
EXCEL.....	Jan., 1857	..	..	15	24	4 5	Good Order	851 53	24,564	31	105	67 1/2	83	1762 1323
CATOOSA.....	..	Rogers' Locomotive Works.	..	14	22	4 5	..	1,761 20	17,272	41 1/4	158	61	66	891 293
SWIFTURE.....	Feb., 1857	..	Passenger.....	13 1/2	20	4 5	..	1,521 76	19,558	54 1/4	165	67 1/2	84	873
CONSENI.....	Mar., 1857	..	Freight.....	14	22	4 5	..	836 50	29,666	43 1/2	163	65	78	1166 591
MISSOURI.....	..	..	..	14	22	4 5	..	1,744 20	13,363	38 3/4	139	49 1/4	66	856 377
STONEWALL.....	Sept., 1860	Western & Atlantic Railroad.	Switching.....	13 1/2	22	4 4 6	..	101 95	8,625	43	200	57	77	..
ATLANTA.....	Oct., 1865	Danforth, Cooke & Co.....	Freight.....	16	24	4 5	..	3,160 09	11,004	29 1/2	141	53	68	813 356
GEN. U. S. GRANT	..	..	..	16	24	4 5	..	9,955 78	6,520	29	123	52 1/4	71 1/2	472 384
GI.....	..	Hinkley & Williams	..	15	24	4 4 6	..	1,572 49	16,462	35	164	59	75	1057 1036
MARIETTA.....	..	Rogers' Locomotive Works.....	..	16	24	4 5	..	2,884 70	16,428	36 1/2	178	48	63	1119 936
CARTERSVILLE ..	..	..	..	16	24	4 5	..	3,042 62	14,324	26	193	58	77	1138 808
RESACA.....	..	Manchester Locomotive Works..	..	16	24	4 5	..	567 65	16,496	31 1/2	190	54 1/2	80	1362 819
DALTON.....	..	William Mason.....	..	16	24	4 5	Running Order	979 95	20,208	31	163	56	70	1426 1244
CALHOUN.....	..	Richard Norris & Son.....	..	15	22	4 4 6	Good Order	1,773 85	2,880	48	96	42 1/4	135	76
IVANHOE.....	Nov., 1866	M. W. Baldwin & Co.....	Passenger.....	14	24	4 5	..	884 42	26,358	74	239	72 1/2	66 1/2	599
JENNIE DEAN.....	..	..	..	14	24	4 5	..	582 55	28,876	64 1/2	212	69 1/2	67 1/2	668
COURIER.....	..	..	..	14	24	4 5	..	588 20	28,834	63 3/4	253	81	69	659
HERCULES.....	..	..	Freight.....	15	24	4 4 6	Under Slit Rep	675 40	20,138	37	172	63	60	1520 909
VULCAN.....	..	..	..	15	24	4 4 6	Good Order	612 27	21,594	32 1/2	180	63	63	1627 830
NAMSON.....	Dec., 1866	..	..	15	24	4 4 6	..	592 59	17,146	32 1/2	157	60 1/2	56	1238 921
KENNESAW.....	June, 1867	Baldwin Locomotive Works.....	..	15	24	4 4 6	..	525 00	15,088	33	171	61	58	1091 832
ALABAMA.....	Sept., 1868	Danforth, Cooke & Co.....	..	15	24	4 5	..	..	..	..	..	..	..	..
MARENGO.....	..	M. W. Baldwin & Co.....	..	16	24	4 5	..	..	..	..	..	..	..	..

Cost of repairs of engines..... \$55,981 92 | No. of miles run by engines..... 643 350 | No. of cords of wood used by engines..... 16,806

NOTE.—In the month of September, the small-class engines—Virginia, in use 13 years, Catoosa, in use 12 years, were exchanged with the Selma & Meridian Railroad for the large, first-class engines—Alabama and Marengo— in use 4 years.

JOHN H. FLYNN, Master of Machinery.

OFFICE CAR SHOP W & A. R. R.,

ATLANTA, October 29, 1868.

To the Chairman and gentlemen of the committee appointed to investigate the affairs of the Western & Atlantic Railroad :

SIRS: I submit herewith my report of the operations of the car department of this road from September 25, 1865, to September 30, 1868. When the road was received from the United States Government (September 25, 1865,) we had no car-shops in this place, and as the repair shops belonging to the United States Military Railroad in Chattanooga were purchased, the repairs on cars were made at that place until the month of May, when the shops and machinery were removed to Atlanta.

The shops, with the additions since made, are ample for the business of my department. These shops are all built of wood, it being the cheapest and best we could do at that time.

We had, when the road was received—

4 Passenger Cars.
2 Second-class Cars.
2 Baggage Cars.
351 Freight Cars.

None of them were in a good condition, for they were run down during the late war, when we could get no material to keep them repaired. There were purchased from the Government—

190 Freight Cars..
3 Passenger Cars.

A portion of them were needing repairs very much at the time they were purchased.

The condition and number of cars September 30, 1866, were as follows: Broken up and condemned as unfit for service, seventeen; re-built in place of those broken and condemned, twelve. Major Wallace purchased four first-class passenger cars, and we had four new baggage cars and one second-class passenger car built in this shop, making our total outfit of cars at that time—

First-class Passenger Cars.. .. .	8
Second-class Passenger Cars.	6
Baggage and Mail Cars,.....	6

	In Good Order.	In Bad Order.	
Box.	292	101	393
Flat.	74	14	88
Stock.	11	9	20
Coal.....	25	10	35
Total Cars of all kinds.. . . .			556

The working expenses for that time are—

For Labors.	\$36,197 91
For Material for Cars.....	25,410 73
For Oils and Tallow for Cars... .	7,743 41
<hr/>	
	\$69,352 05

It will be seen from the following statements that the demands on the car shop, both for new work and repairs, were unusually heavy during that year. In the statement made before this we had one hundred and thirty-four cars in bad order; they required repairs almost equivalent to re-building to render them available. The repairs on these cars cost \$39,053 87.

We built during this year, ending September 30, 1869—

37 Freight Cars,
2 U. S. Railway Post Office Cars,
2 Express Cars,

and changed one baggage car to a second-class car, making total number—

Passenger Cars.	15
Baggage Cars.. .. .	5
U. S. Railway P. O. Cars.	2
Express Cars.	2
Pay Car.	1
Wrecking Cars....	2
Freight Cars.	573
<hr/>	
Total Cars of all kinds.	600

And the working expenses were—

For Labor.....	\$ 45,356 33
For Materials for Cars.....	23,299 85
For Rebuilding Cars..	39,053 87
For New Cars.....	45,312 37
For Oils and Tallow.....	5,772 17
	<hr/>
	\$158,794 50

The report of cars for this year remains the same as the last report, with the exception of one new baggage car and the changing of a second-class car to a United States railway post office car. I have changed the most of the trucks of the Government cars to Winship trucks, and put new roofs on the Government cars, they being all wood roofs and very leaky.

The working expenses for this year, ending September 30, 1868, are—

For Labor.....	\$54,868 75
For Materials for Cars.....	34,490 03
For Oils and Tallow.....	4,665 90
	<hr/>
	\$34,924 68

Total working expenses of this department from September 25, 1865, to September 30, 1868, \$322,171 22.

You wish me to give you a statement of the different kinds of materials purchased up to the present time. I find it would be an almost endless undertaking to give you a detailed statement for all articles purchased; but by referring to the working expenses you will see the item "Material for Cars;" that is the total amount paid for all materials for this department during the several years. I have no account of material purchased prior to September 30, 1866. It was not required of me to keep that account, as the General Book-Keeper had a copy of all bills paid.

Attached to this report you will find a list of all the machinery and tools belonging to the Western & Atlantic Railroad car shop; also invoice of stock on hand.

W G. GRAMLING, Superintendent Car Shop.

*List of Machinery and Tools in Western & Atlantic Railroad
Car Shops, September 30, 1868.*

1 Stationary Engine and Boilers.	\$4,000 00
5 Bench Vises.	50 00
1 Drill Press.....	300 00
2 Bolt-cutting Machines.....	996 25
2 Grind Stones... ..	50 00
1 Double-Surface Planing Machine.....	1,000 00
1 Tenoning Machine.	500 00
1 Sash Machine.	100 00
1 Cut-off Saw	259 00
1 Daniel's Planer.....	759 00
1 Axle Lathe.....	1,094 75
1 Car-wheel Borer.....	1,579 00
1 Wheel Press.	500 00
1 Scroll Saw.....	243 00
1 Guard-turning and Screw-cutting Machine	800 00
1 Turning Lathe.....	50 00
2 Hydraulic Jacks.	60 00
4 Ratchet Jacks.....	16 00
12 Screw Jacks... ..	72 00
1 Set Tinner's Tools.	139 95
8 Anvils.	361 60
1 Pair Leather Bellows.	10 00
1 Fan.	50 00
6 Sets of Blacksmiths' Tools.	830 00
	<hr/>
	\$13,920 55

Stock on hand in Car Department, September 30, 1868.

265 Gallons Varnishes.....	\$1,302 00
220 Gallons Linseed Oil.....	313 50
300 lbs. White Lead.....	51 00
879 lbs. Assorted Paints.....	225 05
100 lbs. Spanish Whiting.....	7 00
50 lbs. Pumice Stone.....	5 00
50 lbs. Lampblack.....	4 75
16 Boxes Car Glass.....	218 50
2 Bolts Plush.....	255 00
1,840 lbs. Prince's Metallic Paints...	92 00
60 Bunches Webbing.....	135 00
3 Sets Saloon Fixtures.....	15 00
75 33-inch Car Wheels.....	1,275 00
15 Bundles Sheet Iron.....	100 00
400 lbs. Cotton Waste.....	56 00
1,000 lbs. Tallow.....	110 00
30 Gallons Lard Oil.....	43 50
1,920 lbs. Car Brasses.....	576 00
4,200 lbs. Car Grease.....	210 00
25 lbs. Borax.....	18 75
Passenger Car Lamps and extra Globes.....	214 50
82 Gross Paper Tacks.....	590 00
3,300 lbs. Car Springs.....	2,260 50
60 Kegs Assorted Nails.....	420 00
70,000 Feet of Lumber.....	1,400 00
3,000 lbs. Nuts.....	225 00
6,500 lbs. Cast Steel.....	1,462 50
12,000 lbs. Castings.....	720 00
Assorted Hardware.....	650 00
2 Dozen Paint Brushes.....	64 00
170,414 lbs. Iron.....	9,372 77
	<hr/>
	\$22,392 32

With regard to the foregoing communication from E. Hulbert, Superintendent, touching the estimated costs of improvements, and other items of expenditure, your committee, deeming the same a matter of vast importance, addressed another communication, embracing a series of interrogatories, to that official, a copy of which, and his reply, will be found in another part of this report, to which your attention is respectfully invited.

In reference to the condition of the line of road from Atlanta to Chattanooga, the bridges, culverts, wood and water stations, and the depot buildings thereon, the attention of your honorable body is directed to the report of A. L. Harris, Supervisor, which was made to the committee through the Superintendent. Deeming this part of the investigation to be of greater importance to the interests of the State than any other your committee was called upon to make, in connection with the road, a tour of inspection, in person, over the road through a period of four days was had. This the committee was enabled to do through the courtesy of the officials, who furnished a special train for the purpose. In this somewhat arduous labor, the committee was assisted by the Superintendent, the Supervisor and his predecessor, M. H. Dooly, Esq., by which means (having the foregoing written report of Mr. Harris at hand) the investigation was made as complete as possible, and the following is submitted as the result :

• The notes made by the committee as they proceeded up the road are as follows :

The freight depot in Atlanta is a substantial brick building, with full capacity to accommodate the business of the road.

• At the five-mile station there are six new shanties in good order, and — acres of land.

House and lot at Vining's station, two rooms, stack chimney, occupied by the station-keeper, in good order. Also, six new and good shanties.

At the 18-mile station there are three new and three old shanties, all in good order. Also, six acres of land.

At Marietta the depot building is a neat one, lately built, in good condition, and of sufficient capacity. There is a house and lot, also a vacant lot, belonging to the road at this point. The house is neat and comfortable, under good fence, unoccupied.

Big Shanty depot is a small wooden building, in good order. Also, six new shanties in sound condition.

The Acworth depot is a new wooden building, in good order. The shanties near this place not in first-rate order. The shanties at the 37-mile post—six old and six new—are in good order.

At Allatoona station the wooden depot building is in good order.

At the 46-mile post there are six new shanties and some land belonging to the road.

At Cartersville the depot building is a commodious and substantial brick one, and is in good order. The road owns a vacant lot here.

At Cass station there is a neat stone depot building of sufficient capacity, in good order. Road owns a house and lot at this point, in good order.

There are six new shanties at the 52-mile post. Also some vacant land.

The depot building at Kingston is of stone, and in good order. The shanties are likewise in good condition. Two acres of land here.

At the 68-mile post there are six new shanties and six acres of land.

The Adairsville depot building is of wood, and in good order.

Calhoun—The depot building at this place is a substantial one, and in good condition, except the roof, which is leaky. The dwelling occupied by the agent here is owned by the State with about one acre of land. The dwelling is in a dilapidated condition. The shanties on this section are old, but in good condition.

At the 83-mile post there are six new shanties and some land.

Resaca—The depot building is of brick, and in bad condition, especially the roof. The dwelling at this point is in bad condition.

Tilton—Rough wooden depot building; doors very insecure. The shanties on this section are good. Some land here belonging to the road.

Dalton—The car shed in rather bad condition. The ticket office and baggage office good. The depot is a very large, handsome brick edifice, and in general good condition. The gutters conveying rainwater from the roof empty the same upon the platform, very much to the damage of the latter. This should be remedied. The platform around the entire building is in good condition, except the north end. The shanties on this section are in good order. The road owns some land along here.

Tunnel Hill—Substantial stone depot building, in good order. Comparatively new roof, platform, &c. The office and reception room in good order. Seven new shanties here, in good order. Also some land.

Ringgold—Depot a large stone building, with board cover that does not protect the platform well, and some leaks. Otherwise, in very good condition. The shanties on this section good, and six acres of land road property.

Graysville—Depot a small neat wooden building, in good order. Two new shanties and four old ones. Some land here in dispute.

Chickamauga Station—Neat wooden depot building, in good order. Shanties here are good but not painted. Shanties on last section good. Some land here.

Chattanooga—The car shed, of which the State of Georgia owns one-half, is an elegant structure of stone and brick. The wood part and roof lately painted. The whole in good condition. The depot is a large brick building, not in good order. Some of the wood work considerably decayed in consequence of leaky roof. The window-blinds of the observatory are mostly gone, and some of the lights out, in consequence of which the rain beats in and damages the building. The whole thing is unnecessary, and

should be dispensed with. The roof is of tin, and not in very good condition. The platform around the building, together with the car platform and the platform on the north side of the car shed fronting the hotel, are in a dilapidated condition. The State owns eleven acres of land nearly opposite the depot building east, with some shanties thereon. Also, the right-of-way from the car shed to the Tennessee River, running along the street called Railroad Avenue, on which a track can be run at any time to connect with the boat trade on the river.

Wood and Water Stations.—Station No. 1—beginning at Atlanta—House and lot and one acre of land belonging to the State. Tank comparatively new.

Vining's Station—Engine, pump, tank, &c., in good order. From the 1st of March to the 13th of July water is plentiful; balance of the year water for four engines per day only.

Harris' Station—Engine in good order; the boiler a little defective. No shed here.

Moon's Station—Engine old; pump, tank, &c., in good order. A rough board house at this place,

Allatoona Station—Engine, pump, tank, &c., in good order, with a substantial shed for engine, wood, &c.

Summit Station—Fine engine; pump, &c., in good order; rough shelter.

Hamilton Station—Good engine, pump, tank, &c. Shed wants covering.

Gober Station—Engine, pump, tank, &c., in good order. Small, leaky, rough shed.

Keath's Station—Engine, boiler, pump, &c., in good order; furnace needs repairs. Shelter almost worthless.

Greenwood Station—Engine, pump, tank, &c., all new and in good order. Very poor shelter.

Graysville—Engine and tank in bad order.

Station at Chattanooga—Small engine, pump, &c., in good order.

Bridges and Culverts.—The body of the Chattahoochee bridge is good, though the trestles need repairs. Some of the sills and uprights are "cobbled," in consequence of

which the wood work does not rest as firmly on the masonry as it might. This bridge should be covered.

The nine-mile culvert seems to need a little repairing. Some of the masonry is displaced from some cause.

The culvert at Rock Cut is in good order.

The $9\frac{3}{4}$ -mile culvert is in good order. The embankment on one side wants filling up a little. Two or three carloads of earth would be sufficient.

The culvert at the large filling near Vining's is in good order.

The bridge across Allatoona Creek is in rather bad condition. The abutments need immediate repairs, and, as soon as possible, a new bridge should be erected.

The Etowah bridge is in very good condition. The southern abutments need some repairs.

The bridge across Pettus' Creek is in good order.

The culverts at and near the 51-mile post and at Nance's Creek, are in rather bad condition. New ones are needed.

The bridge across Two Run Creek is in good, safe order.

The culvert at McDow's place should be larger.

Oothcaloga Creek bridge is in good order. The culvert over the creek is in safe condition.

The culvert at Adairsville is in prime order.

The bridge across Oothcaloga Creek (stringer) is in prime order, and we are of opinion that where it is practicable these bridges should supersede all others, they being cheap and substantial. They should, however, be protected from the weather by paint. The first open culvert from this bridge is in safe condition.

The bridge at Hamilton station (stringer) is in good order.

The bridge across Oostaunaula River, at Resaca, is an elegant structure, and should be covered immediately.

The first large arched culvert over Swamp Creek, next to Gober's station, between 89 and 90 mile post, is in good order. Third arched culvert over Swamp Creek is in good order.

The bridge across the creek at Tilton (a Dooly bridge) is in good order.

The 91-mile culvert is in good order, though it needs some earth to fill the wings. The next culvert is in safe condition, but needs some filling in.

The 96-mile culvert would be better with new stringers.

The 98-mile bridge, near Keath's station, should have new stringers as soon as possible.

Mill Creek bridge is in bad order—needs new timber.

The bridge across Mill Creek No. 2 is in good order.

The first Chickamauga bridge, (stringer) 4 span, is in good order. The second Chickamauga bridge, 4 span, is in good order; masonry a little loose on both sides.

Chickamauga bridge No. 3, Howe truss, 1 span, in good order. No. 4, Howe truss, 1 span, in good order. No. 5, Howe truss, 1 span, in good order. No. 6, Howe truss, 1 span, in good order.

Hurricane Creek, arched culvert, is in good order.

Chickamauga bridge No. 7, (No. 5 in Harris' report) Howe truss, 2 spans, is in good order.

Chickamauga bridge No. 8, (No. 6 in Harris' report) Howe truss, 2 spans. This bridge is low in the middle in consequence of the pier giving way. The pier being rebuilt settled, and the bridge had to be brought up by timbers. Safe, and otherwise in good condition.

Bridges Nos. 1 and 2, in Harris' report, at 120 miles, Chickamauga Creek, are in rather bad order.

Chickamauga River bridge, (No. 7 in Harris' report) Howe truss, 2 spans, masonry of pier loose, coping stone gone and plank substituted, wedged up at each end. Otherwise in good order, safe.

Chickamauga bridge, (No. 8 in Harris' report) pier not level, leveled with timber, safe, and otherwise in good order.

Chickamauga Branch bridge, (stringer) 3 span, in good order.

Chickamauga River bridge, (No. 9 in Harris' report) 2 span, Howe truss, some of the stones in the pier cracked.

Caused, it is supposed, from settling; looks secure, and otherwise in good order.

Chickamauga River bridge, (No. 10 in Harris' report) 3 span, Howe Truss, some of the masonry of the lower side of the north pier is off, and blocked off with wood; otherwise in good condition; safe.

Chickamauga River bridge, (No. 11 Harris' report,) 2 span, Howe Truss, in good order.

About many of the bridges there is more or less wedging, particularly where the cross-ties join them. In order to keep the track level it would seem to be impossible to avoid it altogether, for the reason of the giving way of the earth, settling of masonry, giving way of timber, and wear and tear generally.

The road-bed and superstructure in good order to, or near, Vining's station. Thence for some two or three miles the rails are not well jointed, and the iron much worn in places, and rather light. The 15, 16, 17 and 18-miles iron seems to be in good order, and very smooth running. Thence to Marietta not so good. From Marietta to Acworth in good order. The track from the latter place to Allatoona Creek is in prime order—mostly new iron. From Allatoona Creek bridge to Allatoona the track is not in prime order. The iron in some places is battered. Some of the iron taken up on the other side of the river could be profitably employed here. From that point to Etowah River the track is in very good order. Some of the rails should be replaced by better ones. From Etowah to Cartersville, track in good order; and also to Pettus' Creek. Same to Two Run Creek, and to Kingston in good order; and from thence to Summit station in good order, and new iron most of the way; thence to Adairsville in good condition; thence to Oothcaloga Creek in prime order; thence to Calhoun in good order; thence to Dalton in good, safe order; some of the iron near Resaca and Gober's station light and battered. The track from Dalton to Chattanooga is in good order, only needs such repairs as are incident to a good track.

LOCOMOTIVE POWER—MACHINE SHOPS—MACHINERY—CARS—
WOOD SHOPS, &C., AT ATLANTA.

The report of John H. Flynn, Master Machinist, will be found among the foregoing statements, setting forth the general condition of the road. The committee examined the locomotive power set down in said report, and, so far as they were enabled to judge, found everything as Mr. Flynn represents it. They, therefore, adopt the statement of that old and tried servant of the road as the fullest and most correct exposition of that department which can be given, and, in doing so, desire to commend the air of general thrift and neatness which they found to pervade Mr. Flynn's department.

The report of W. G. Gramling, Master of the Car Shops, to be found also among the foregoing, makes a full and concise *expose* of the operations in that department, and with regard to which the committee are prepared to repeat what has been said of Mr. Flynn.

To the latter gentleman, as well as to the former, is attributable much of that high degree of proficiency in the mechanical department of the Western & Atlantic Railroad, which in past years has challenged the admiration of eminent railroad men, and which at this time stands second to that of no line of railway in the whole country. We ask that Mr. Gramling's report be adopted as a part of our own report.

The "round house" at Atlanta (receptacle for locomotives) is commodious, substantial, and at the same time most elegant. It is a new brick structure, and reflects great credit upon its projectors. The vast motive power of the road here finds ample shelter from the weather. The machine and blacksmith shops, as well as the car shops, are wooden buildings of cheap construction, having been erected in 1865 for temporary use only, the pecuniary condition of the road at that time not being such as to justify the large expenditure necessary to better and permanent buildings. They have answered the purposes of the road very well so far, and may still be continued in use, but the

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question of their liability to destruction by fire is one of serious consideration. Such an event would prove very disastrous, not only to the valuable machinery contained in said wooden buildings, but also to the large amount of rolling stock on the track immediately contiguous, necessarily placed there when not in use on the line of road. The committee was gratified to find that every precaution on the part of those in charge is taken to avert the dangers of fire, but as there is evidently great risk, as the case now stands, the question arises if true economy would not suggest the erection of substantial stone or brick buildings. As the cost of such would probably be in the neighborhood of one hundred thousand dollars, it remains for your honorable body to determine if such expenditure shall be recommended. The committee will give expression only to the facts in the case.

WESTERN & ATLANTIC R. R., OFFICE SUPERINTENDENT,
ATLANTA, GA., January 6, 1869.

Hon. W. C. Smith, Chairman Joint Committee:

SIR: In accordance with a series of eleven (11) interrogatories addressed to this office, I have the honor to enclose herewith answers to the same. Respectfully, your obedient servant, E. HULBERT, Superintendent.

WESTERN & ATLANTIC R. R., SUPERVISOR'S OFFICE,
ATLANTA, GA., December 24, 1868.

Col. E. Hulbert, Superintendent W & A. R. R.:

DEAR SIR: In reply to the series of eleven interrogatories of the Legislative Committee referred to me, I have the honor to submit the following:

1st Interrogatory. How many miles of new iron will be required to keep up the road for the next twelve months, and what will be the cost of that iron per mile, including the new chairs, spikes, cross-ties and labor necessary to put it down?

Answer. Forty-four (44) miles necessary, costing \$5,515 60 per mile—for 44 miles, \$242,686 40.

2d Interrogatory. How many hands will be required to keep up each section (of 8 miles) of the road, and what will be the estimated cost of each hand?

Answer. The road is not divided into 8-mile sections. One hundred and thirty section-hands and twenty-one bosses will be required, at an expense of \$4,260 per month.

3d Interrogatory. How many construction trains will be required on the line of road? How many hands on each train, and the estimated cost of same?

Answer. One train required. A conductor and twenty-four hands required, at a monthly expense of \$625.

4th Interrogatory. How many new cross-ties will be required for the entire road, and the estimated cost?

Answer. Sixty thousand cross-ties required, at a cost of \$18,000.

5th Interrogatory. What is the estimated cost of repairs for the bridges, and what the cost of covering the same?

Answer—

To repair Chattahoochee Bridge.	\$ 1,000
For new bridge at Allatoona Creek.....	20,000
For masonry repairs.....	2,500
For timber repairs.....	2,500
For covering Howe Truss bridges.	24,000
	<hr/>
	\$50,000

6th Interrogatory. What is the estimated cost of repairs for masonry on all culverts reported in a damaged condition?

Answer—

For masonry repair	\$3,000
For wood work on culverts, less than forty feet span.	3,000
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Total.....	\$6,000

7th Interrogatory. What depots need repairing, and what is the estimated cost for said repairs?

Answer. The depots at Marietta, Big Shanty, Acworth, Allatoona, Cartersville, Cass, Kingston, Adairsville, Calhoun, Resaca, Tilton, Dalton, Tunnel Hill, Ringgold, Graysville, Chickamauga and Chattanooga need repairing, which will cost \$6,000.

8th Interrogatory. How many new wood sheds are required on the line of road ; what the dimensions, and the estimated cost of the same ?

Answer. Twelve (12) wood sheds are required, 50x200 feet, which will cost \$1,500 each.

9th Interrogatory. What is the estimated cost of running the road from Chattanooga to the river ?

Answer. Six thousand dollars, (\$6,000).

10th Interrogatory. How much per mile will it cost to fence in the road ? How many miles are necessary to be fenced in, and how much will the whole cost ? If any of the road has been fenced in, how much ? If none has been fenced in, how much has been contracted for, if any ?

Answer. It will cost \$612 48 per mile for a substantial plank fence, in material, the labor to be done by the section-hands. It will be necessary to fence 90 miles in order to enclose the road, at an expense of \$55,123 20. Three (3) miles have been fenced. No specified amount of fencing has been contracted for. We are now paying $6\frac{1}{2}$ cents per foot, or \$686 40 per mile, for fencing, including material and labor.

11th Interrogatory How much will it cost to erect brick or stone machine shops for the road at Atlanta, and a fire-proof freight depot in lieu of the wooden ones now in use ?

Answer. From fifty to one hundred thousand dollars, depending upon the size and style of construction.

Respectfully, A. L. HARRIS, Supervisor.

Approved: E. HULBERT, Superintendent.

BOOKS, PAPERS, &C.

In accordance with the basis of operations already mentioned, your committee proceeded to examine the books, papers, and all items of receipts and expenditures from all sources, embracing a period dating from September 25, 1865, (the time the State resumed control by consent of the military authorities) to the 30th June, 1868, a few days previous to the meeting of the General Assembly.

Your attention is respectfully solicited to the following tabular statements, which have been carefully compared, and will convey sufficient information to form opinions relative to the past management of this great source of revenue to our State. The statistical information contained therein will not only be valuable for the reason above assigned, but also for future reference. The tables are severally labeled A, B and C, accompanied by table E, showing a recapitulation.

During the administration of Provisional Governor Jas. Johnson, Mr. Robert Baugh acted as Superintendent, and it was deemed advisable to separate his administration from that of his successor, Major C. Wallace, in order that the General Assembly might be enabled to form estimates arising from receipts and financial operations during the provisional term of office, embracing a period of six months and a few days.

TABLE A.

Gross Earnings of the Western & Atlantic Railroad, from September 25, 1865, to September 30, 1866, inclusive.

MONTHS.	FROM FREIGHTS.	FROM PASSAGE.	FROM MAIL.	MISCELLANEOUS INCOME.	TOTAL.
September and October, 1865..	\$124,300 56	\$46,493 05	\$1,400 00		\$172,193 61
November, 1865. :	119,064 40	38,371 80	1,166 67		158,602 87
December, 1865.	56,532 18	34,443 75	1,166 67		92,142 60
January, 1866.	42,157 94	32,903 37	1,166 66	1,013 96	77,241 93
February, 1866....	99,198 86	37,969 53	1,166 67	375 80	138,710 86
March, 1866.	114,700 21	49,625 31	1,166 67	513 20	166,005 39
Total*..	\$555,954 15	\$239,806 81	\$7,233 34	\$1,902 96	\$804,897 26
April, 1866	\$89,714 54	\$26,238 37	\$1,166 66	\$4,116 25	\$121,235 82
May, 1866.	43,029 92	20,191 17	1,166 67	1,681 74	66,069 50
June, 1866.	54,580 42	24,421 87	1,228 65	214 80	80,445 74
July, 1866.	39,897 20	25,781 02	1,166 67	182 05	67,026 94
August, 1866..	56,223 67	29,301 05	1,166 67	2,552 65	89,244 04
September, 1866..	46,326 37	38,912 28	1,166 66	431 79	86,837 10
Total..	\$329,772 12	\$164,845 76	\$7,061 98	\$9,179 28	\$510,859 14
Grand Total	\$885,726 27	\$404,652 57	\$14,295 32	11,082 24	\$1,315,756 40

* Amount of gross earnings during the administration of Robert Baugh, Superintendent.

TABLE B.

Gross Earnings of the Western & Atlantic Railroad, from September 30, 1866, to September 30, 1867.

MONTHS.	FROM FREIGHTS.	FROM PASSAGE.	FROM MAIL.	MISCELLANEOUS INCOME.	TOTAL.
October, 1866.	\$47,222 11	\$33,723 84	\$1,166 67	.....	\$82,112 62
November, 1866.	55,186 44	36,084 80	1,166 67	\$ 33 81	92,471 72
December, 1866.	78,112 72	46,129 31	1,166 66	10,505 94	135,914 63
January, 1867.	94,744 47	55,423 34	1,166 67	890 00	152,224 48
February, 1867.	128,731 18	35,576 05	1,166 67		165,473 90
March, 1867...	53,720 28	17,142 49	1,166 66		72,029 43
April, 1867.....	88,920 08	19,673 42	1,166 67		109,760 17
May 1867.. ...	111,911 54	23,145 56	1,166 67		136,223 77
June, 1867 . .	47,732 73	17,697 41	1,166 66		68,596 80
July, 1867...	57,802 97	22,521 27	1,166 67		81,490 91
August, 1867 .	59,587 34	23,763 83	1,166 67	1,723 08	86,240 92
September, 1867	51,496 62	37,941 81	1,166 66	46 91	90,652 00
Grand Total ...	\$877,168 48	\$368,823 13	\$14,000 00	\$13,199 74	\$1,273,191 35

TABLE C

Gross Earnings of the Western & Atlantic Railroad, from September 30, 1867, to June 30, 1868.

MONTHS.		FROM FREIGHTS.	FROM PASSAGE.	FROM MAIL.	MISCELLANEOUS INCOME.	TOTAL.
October, 1867		\$42,271 66	\$21,351 54	\$1,166 67	.	\$64,789 87
November, 1867		39,344 50	22,377 89	1,166 67	.	62,839 06
December, 1867		44,627 64	24,624 85	2,841 66	\$ 34 17	72,128 32
January, 1868	.	47,926 30	22,214 91	1,437 50		71,578 71
February, 1868		88,922 69	18,371 78	1,437 50		108,731 97
March, 1868..		87,219 47	17,968 25	1,437 50	...	106,625 22
April, 1868		63,248 33	14,904 69	1,437 50		79,590 52
May, 1868		50,683 89	14,596 77	1,437 50		66,718 16
June, 1868	.	54,490 37	28,928 67	1,437 50	970 32	85,826 86
Grand Total ..	....	\$518,734 85	\$185,339 35	\$13,750 00	\$1,004 49	\$718,828 69

TABLE A.

Expenses of the Western & Atlantic Railroad from September 25, 1865, to September 30, 1866.

ON ACCOUNT OF	Expenses Paid from Sept'r. 25th, 1865, to March 31st, 1866.	EXPENSES PAID FROM APRIL 1, 1865, TO SEPTEMBER 30, 1866.		
		For Prior Administra- tion.	Incurred since April 1st, 1866.	Total.
TRANSPORTATION.				
Stationary and Printing.....	\$ 3,415 81	\$ 81 00	\$ 4,793 92	
Loss, Damage and Overcharges.....	10,421 96	15,245 19	3,544 94	
Stock Killed.....	704 00	628 77	4,855 50	
Wages of Watchmen, Laborers and Train Hands.....	31,067 11	2,160 74	39,179 90	
Wages of Agents, Clerks and Con- ductors.....	38,189 74	3,770 42	39,500 52	
Mail.....	255 55	40 00	260 25	
Incidentals, including use E. T. & G. R. R. during Freshet.....	6,985 34	15,449 20	12,709 36	
	<u>\$91,039 51</u>	<u>\$37,375 32</u>	<u>\$104,934 39</u>	<u>\$233,349 22</u>
MOTIVE POWER.				
Water.....	\$ 3,323 70	\$ 836 00	\$ 5,144 98	
Wood.....	55,226 85		22,636 39	
Oil and Tallow for Engines.....	7,612 22	229 73	5,070 10	
Wages of Machinists, Engineers and Firemen.....	59,845 99	1,267 40	63,320 08	
Materials.....	25,065 32	1,652 48	3,065 66	
	<u>\$151,074 08</u>	<u>\$ 3,985 61</u>	<u>\$99,237 21</u>	<u>\$254,296 90</u>
MAINTENANCE OF WAY.				
Wages of Supervisors and Laborers	\$51,142 95	\$12,018 70	\$44,012 30	
Tools.....	505 74	174 24	1,536 68	
Timber and Cross Ties.....	55,993 46	16,292 50	6,420 02	
Repairs on Bridges and Trestles.....	88,016 08	11,875 06	13,043 43	
Iron, Spikes, Frogs and Chairs.....	60,660 93	10,326 12	1,300 64	
Incidentals.....	1,609 46		1,114 90	
	<u>\$257,918 62</u>	<u>\$50,686 62</u>	<u>\$67,427 97</u>	<u>\$376,033 21</u>
MAINTENANCE OF CARS.				
Labor.....	\$88,033 51	\$ 175 85	\$2,989 40	
Materials.....	22,815 16	1,100 84	1,494 73	
Oil and Tallow for Cars.....	3,832 36	357 04	3,554 01	
Car Rent.....		4,522 00		
	<u>\$64,681 03</u>	<u>\$6,155 73</u>	<u>\$8,038 14</u>	<u>\$78,874 90</u>
GENERAL EXPENSES.				
Salary of Superintendent, Treasurer, Auditor and Law Expenses.....	\$5,106 40	\$2,518 20	\$4,700 71	
Interest.....			221 17	
	<u>\$5,106 40</u>	<u>\$2,518 20</u>	<u>\$4,921 88</u>	<u>\$12,546 48</u>
Grand Total.....	<u>\$569,819 64</u>	<u>\$100,721 48</u>	<u>\$284,559 59</u>	<u>\$955,100 71</u>

TABLE B.

Expenses of the Western & Atlantic Railroad from September 30, 1866, to September 30, 1867.

ON ACCOUNT OF	Prior Admin- istration.	For Present Administra- tion.	Total.
TRANSPORTATION.			
Stationery and Printing.....	\$ 65 10	\$ 8,210 28	
Loss and Damage.....	8,491 17	3,419 60	
Stock Killed.....	614 00	7,205 85	
Wages of Watchmen, Laborers and Train Hands.....	853 80	80,460 41	
Wages of Agents, Clerks and Conductors..	1,991 66	95,653 30	
Mail.....	90 00	540 00	
Incidentals.....	10,642 98	8,318 47	
	<u>\$22,748 71</u>	<u>\$203,807 91</u>	<u>\$226,556 62</u>
MOTIVE POWER.			
Water.....	\$.....	\$ 10,821 55	
Wood.....	241 50	34,179 76	
Oil and Tallow for Engines.....	701 02	5,917 56	
Materials for Engines.....		44,809 61	
Wages Machinists, Engineers and Firemen	1,941 13	125,443 80	
	<u>\$2,883 65</u>	<u>\$221,172 28</u>	<u>\$224,055 93</u>
MAINTENANCE OF WAY.			
Wages of Supervisors and Laborers.....	\$589 20	\$113,079 10	
Tools.....		826 12	
Timber and Cross-Ties.....	151 90	49,389 50	
Repairs on Bridges and Trestles.....		4,440 83	
Iron, Spikes, Frogs and Chairs.....		3,014 72	
Incidentals.....		2,526 59	
	<u>\$741 10</u>	<u>\$173,276 86</u>	<u>\$174,017 96</u>
MAINTENANCE OF CARS.			
Labor.....	\$411 45	\$44,944 88	
Materials for Cars.....	499 40	22,800 45	
Oil and Tallow for Cars.....		5,772 17	
Car Rent.....		620 28	
	<u>\$910 85</u>	<u>\$74,137 78</u>	<u>\$75,048 63</u>
GENERAL EXPENSES.			
Salaries of Superintendent, Auditor, Treas- urer and Law Expenses.....	\$13,463 10	\$12,202 91	
Office Expenses.....		2,864 48	
	<u>\$13,463 10</u>	<u>\$15,067 39</u>	<u>\$28,530 49</u>
Grand Total.....	<u>\$40,747 41</u>	<u>\$687,462 22</u>	<u>\$728,209 63</u>

TABLE C.

Expenses of the Western & Atlantic Railroad from September 30, 1867, to June 30, 1868.

ON ACCOUNT OF	Prior Admin- tration.	Present Admin- istration.	Total.
TRANSPORTATION.			
Stationery and Printing.....	\$.....	\$ 7,992 06	
Loss and Damage.....	577 57	1,775 77	
Stock Killed.....	36 35	2,619 15	
Wages of Watchmen, Laborers and Train Hands.....	296 68	51,386 57	
Wages of Agents, Clerks and Conduc- tors.....		73,171 86	
Mail.....		467 25	
Incidentals.....		3,691 82	
	<u>\$910 69</u>	<u>\$141,104 48</u>	<u>\$142,015 08</u>
MOTIVE POWER.			
Water.....	\$.....	\$ 6,990 00	
Wood.....		51,257 75	
Oil and Tallow for Engines.....		4,252 83	
Materials.....	44 95	20,883 51	
Wages of Machinists, Engineers and Firemen.....		94,582 44	
	<u>\$ 44 95</u>	<u>\$177 966 53</u>	<u>\$178,011 48</u>
MAINTENANCE OF WAY.			
Wages of Supervisors and Laborers.....	\$229 25	\$57,984 95	
Tools.....		362 22	
Timber and Cross-Ties.....	18 00	10,007 44	
Repairs on Bridges and Trestles.....		707 60	
Iron, Spikes and Chairs.....		722 35	
Incidentals.....		628 54	
	<u>\$247 25</u>	<u>\$70,413 20</u>	<u>\$70,660 45</u>
MAINTENANCE OF CARS.			
Labor.....	\$.....	\$39,765 39	
Materials for Cars.....	102 74	28,341 24	
Oil and Tallow for Cars.....		3,178 03	
	<u>\$102 74</u>	<u>\$71,284 66</u>	<u>\$71,387 40</u>
GENERAL EXPENSES.			
Salary of Superintendent, Auditor, Treasurer and Law Expenses.....	\$6,514 55	\$12,597 49	
Office Expenses.....		3,566 79	
	<u>\$6,514 55</u>	<u>\$16,164 28</u>	<u>\$22,678 41</u>
Grand Total.....	<u>\$7,820 09</u>	<u>\$470,933 15</u>	<u>\$484,783 24</u>

TABLE A.

Expenditures for Equipment, Buildings and Construction of the Western & Atlantic Railroad, from September 25, 1865, to September 30, 1866.

ON ACCOUNT OF	PAID FROM SEPT. 25, 1865, TO MARCH 31, 1866.	FOR PRIOR ADMINISTRATION.	INCURRED SINCE APRIL 1, '66.	TOTAL.
EQUIPMENT.				
For New Cars.	..	..	\$19,816 90	
For Re-building Cars.	...	...	77,944 00	
For Re-building Locomotives.	..	..	27,192 85	
			<u>\$124,953 75</u>	<u>\$124,953 75</u>
DEPOT BUILDINGS.				
For Agents, Freight and Division Houses.	\$25,338 76	\$1,235 61	\$11,494 10	
For Tanks and Wood-sheds.	924 00	39 75	937 26	
For New Buildings.	..	123 00	67,695 07	
	<u>\$26,262 76</u>	<u>\$1,398 36</u>	<u>\$80,126 43</u>	<u>\$107,787 55</u>
CONSTRUCTION.				
For Real Estate for Division Houses.	\$420 00	1 50	\$451 50	
For Bridging	..	6,090 61	52,246 08	
For Re-laying Track	...	..	173,532 39	
	<u>\$42 00</u>	<u>\$6,092 11</u>	<u>\$226,229 97</u>	<u>\$232,742 08</u>
Grand Total..	<u>\$26,682 76</u>	<u>\$7,490 47</u>	<u>\$431,310 15</u>	<u>\$465,483 38</u>

TABLE B.
Expenditures for Equipment, Buildings and Construction, from September 30, 1866, to September 30, 1867.

ON ACCOUNT OF		PRESENT ADMINISTRATION.	TOTAL.
EQUIPMENT.			
New Engines and Machinery.	.....	\$113,188 55	
Re-building Locomotives	.....	35,309 25	
New Cars . . . . .	.....	45,312 37	
Re-building Cars.	.....	39,053 87	\$232,864 04
DEPOT BUILDINGS.			
For Agents, Freight and Division Houses . . .	.....	\$5,547 65	
For Tanks and Wood-sheds.	.....	1,557 66	\$7,105 31
CONSTRUCTION.			
For Real Estate for Division Houses..	.....	\$ 1,453 00	
For New Buildings.	.....	49,052 77	
For Masonry and Bridging.	.....	23,668 70	
For Re-laying Track.	.....	99,722 08	\$173,896 55
Grand Total . .	.....	..	\$413,865 90

TABLE C.

Expenditures of the Western & Atlantic Railroad, from September 30, 1867, to June 30, 1868.

ON ACCOUNT OF		PRIOR ADMINISTRATION.	PRESENT ADMINISTRATION.	TOTAL.
EQUIPMENT.				
For Machinery for Engines.....	..	...	\$1,161 50	\$2,027 96
For Machinery for Cars.	..	...	866 46	
DEPOT BUILDINGS.				
For Agents, Freight and Division Houses ..	..	..	\$ 527 93	\$1,640 94
For Tanks, Wells and Wood-sheds.		...	1,113 01	
CONSTRUCTION.				
For Real Estate for Division Houses...	..	\$ 37 50	\$ 11 00	2,082 20
For New Buildings.....	..	...	3,155 99	
For Masonry and Bridging ..	..	35 00	11,261 14	
For Re-laying Track..	..	.....	2,082 20	
Grand Total.....		\$ 72 50	\$16,510 33	\$16,582 83
		\$ 72 50	\$20,179 23	\$20,251 73

*TABLE A.

Financial Statement of the Western & Atlantic Railroad from September 25, 1865, to March 31, 1866.

Gross earnings from Sept. 25 to March 31, 1866.	\$ 804,897 26
Amount from Brunswick R. R. Co. for Engine "Corsair" ...	5,000 00
Amount due connecting roads March 31, 1866.	115,763 71
	<hr/>
	\$ 925,660 97
Amount paid expenses from Sept. 25, 1865, to March 31, '66.	\$ 569,819 64
Amount paid expenses of depot building, &c., (see table)....	26,682 76
Amount due by other roads March 31, 1866.	169,999 53
Amount due by agents March 31, 1866.	40,684 39
Amount due by State of Georgia, paid State Treasurer. .	75,000 00
Amount due by Post Office Department March 31, 1866. .	7,233 34
Amount due by Government for freight and passage, March 31, 1866.....	21,975 12
Cash in Treasurer's hands March 31, 1866 ..	14,266 19
	<hr/>
Total.....	\$ 925,660 97

* Showing statement during administration Robt. Baugh, Superintendent.

TABLE B.

*Financial Statement of the Western & Atlantic Railroad from the
1st April, 1866, to 30th September, 1866.*

Cash in Treasurer's hands 1st April, 1866.....	\$ 14,266 19
Amount due by Post Office Department 1st April, 1866.....	7,233 34
Amount due by State of Georgia 1st April, 1866.....	75,000 00
Amount due by Agents 1st April, 1866.....	40,684 39
Amount due by connecting roads 1st April, 1866.	169,999 53
Amount due by United States Government 1st April, 1866.	21,975 12
Gross earnings from 1st April to the 30th September, 1866..	510,859 14
Amount due connecting roads 30th September, 1866.	20,634 53
Amount due J. H. Porter, agent, 30th September, 1866..	416 25
Amount due Gillespie & Watkins 30th September, 1866. ..	21 00
Amount due J. R. Anderson & Co. 30th September, 1866.	334 50
Amount due Southwestern Iron Co. 30th September, 1866...	28,185 71
Amount due State of Georgia 30th September, 1866.. ..	312,090 08
	<u>\$1,201,699 78</u>
Amount paid current expenses from 1st April to 30th September, 1866.	\$ 284,559 59
Amount paid expenses on prior account (see tables).	108,211 95
Amount paid extraordinary expenses (see table).	431,310 15
Amount paid for material now on hand.	89,706 69
Amount paid balance due other roads 1st April, 1866.	115,763 71
Amount paid United States Government.	92,415 33
Amount paid Internal Revenue Tax.	24,187 59
Amount due by other roads September 30, 1866.	35,335 42
Amount due by former agents September 30, 1866.. ...	7,719 44
Amount due by present agents September 30, 1866.....	5,299 33
Amount due by P. O. Department September 30, 1866...	3,500 00
Cash in Treasurer's hands.....	3,690 58
	<u>\$ 1,201,699 78</u>

TABLE C

Financial Statement of the Western & Atlantic Railroad from September 30, 1866, to September 30, 1867.

Cash in Treasurer's hands September 30, 1866.....	..\$	3,690 58
Materials on hand September 30, 1866.		89,706 69
Amount due by Post Office Department September 30, 1866.		3,500 00
Amount due by former agents September 30, 1866.		7,719 44
Amount due by present agents September 30, 1866.		5,299 33
Amount due by other roads and others September 30, 1866.		151,938 34
Amount due connecting roads September 30, 1867.....		13,707 37
Amount due agents September 30, 1867..		455 78
Amount due Southwestern Iron Co.		8,346 48
Amount due State of Georgia.		261,253 60
Gross earnings from Sept. 30, 1866, to Sept. 30, 1867. .		1,273,191 35
		<u>\$ 1,818,808 96</u>
Amount paid current expenses from September 30, 1866, to September 30, 1867.	\$	687,462 22
Amount paid expenses on prior account (see table). ..		40,747 41
Amount paid for extraordinary expenses (see table)....		413,865 90
Amount paid for materials on hand September 30, 1867. .		108,539 33
Amount due connecting roads and others September 30, 1866		361,682 07
Amount paid United States Government to Sept. 30, 1867..		177,058 18
Amount due by connecting roads September 30, 1867		12,950 06
Amount due by former agents September 30, 1867..		7,626 11
Amount due by present agents September 30, 1867. . .		2,310 07
Amount due by Post Office Department September 30, 1867		3,500 00
Cash in Treasurer's hands.		3,067 61
		<u>\$ 1,818,808 96</u>

TABLE D.

Financial Statement of the Western & Atlantic Railroad, from September 30, 1867, to June 30, 1868.

Cash in Treasurer's hands September 30, 1867.	\$ 3,067 61
Materials on hand September 30, 1867.	108,539 33
Amount due by Post Office Department September 30, 1867	3,500 00
Amount due by former agents September 30, 1867.	7,626 11
Amount due by present agents September 30, 1867.	2,310 07
Amount due by connecting roads and others Sept. 30, 1867.	190,008 24
Amount due to connecting roads June 30, 1868.	19,716 57
Amount due to agents June 30, 1868.	26 02
Gross earnings from Sept. 30, 1867, to June 30, 1868.	718,828 69
	<u>\$ 1,053,622 64</u>
Amount paid current expenses from September 30, 1867, to June 30, 1868.	\$. 476,933 15
Amount paid expenses on prior account (see table).	7,820 09
Amount paid extraordinary expenses (see table).	20,179 23
Amount paid extraordinary expenses on prior account.	72 50
Amount due connecting roads and others September 30, '67	283,763 23
Amount paid for materials on hand June 30, 1868.	87,237 23
Amount due by connecting roads June 30, 1868.	33,735 81
Amount due by former agents June 30, 1868.	7,431 86
Amount due by present agents June 30, 1868	4,479 48
Amount due by United States Government.	4,735 32
Amount due by Post Office Department.	4,312 50
Amount due by State of Georgia.	111,935 82
Cash in Treasurer's hands.	10,986 42
	<u>\$ 1,053,622 64</u>

RECAPITULATION

Of Gross Earnings, Expenses and Expenditures of the Western & Atlantic Railroad, from September 25, 1865, to June 30, 1868.

	PRIOR ADMIN.		
Gross Earnings from Sep. 25, 1865 to March 31, '66		\$ 804,897 26	
Am't from Brunswick R. R. for Engine "Corsair"		5,000 00	\$ 809,897 26
Am't paid Expenses from Sep. 25, 1865, to March 31, 1866		\$ 569,819 64	
Expenditures for same period (See table)		26,682 76	\$ 596,502 40
By balance			\$ 213,394 86
To balance brought down		\$ 213,394 86	
Gross Earnings from March 31 to Sep. 30, 1866		510,859 14	
Gross Earnings from Sep. 30, 1866, to Sep. 30, 1867		1,273,191 35	
Gross Earnings from Sep. 30, 1867, to June 30, 1868		718,828 69	2,716,274 04
Expenses from March 31 to September 30, 1866	\$100,721 48	\$ 284,559 59	
Expenses from Sep. 30, 1866, to Sep. 30, 1867	40,747 41	687,462 22	
Expenses from Sep. 30, 1867, to June 30, 1868	7,820 09	476,933 15	
Expenditures from March, 1866, to Sep. 30, 1867	7,490 47	431,310 15	
Expenditures from Sep. 30, 1866, to Sep. 30, 1867		413,865 90	
Expenditures from Sep. 30, 1867, to June 30, 1868	72 50	20,179 23	
	\$156,851 95	\$2,314,316 24	
		\$2,471,162 19	
By materials on hand June 30, 1868	87,237 23		
By am't due by connecting roads June 30, 1868	33,735 81		
By am't due by former Agents June 30, 1868	7,431 86		
By am't due by present Agents June 30, 1868	4,479 48		
By am't due by U. S. Government June 30, 1868	4,735 32		
By am't due by P. O. Department June 30, 1868	4,312 50		
By am't due by State of Georgia June 30, 1868	111,935 82		
By Cash in Treasurer's hands June 30, 1868	10,986 42		
	\$264,854 44		
Less amount due other roads	19,742 59	\$ 245,111 85	\$2,716,274 04

From the foregoing tables it will be observed that the gross earnings of the road, from September 25, 1865, (the time when the military authorities turned over the same to the State) to March 31, 1866, were, from all sources, eight hundred and four thousand eight hundred and ninety-seven dollars and twenty-six cents, (\$804,897 26) being the full amount received during the administration of Robert Baugh, Esq. The grand total of receipts, including the above, to the close of the fiscal year ending September 30, 1866, embracing a period of six months of the administration of C. Wallace, reaches the amount of one million three hundred and fifteen thousand seven hundred and fifty-six dollars and forty cents (\$1,315,756 40.) The expenses and expenditures for the same period show an exhibit of five hundred and ninety-six thousand five hundred and two dollars and forty cents (\$596,502 40) leaving a balance of net earnings during R. Baugh's administration, including the sale of engine "Corsair," (\$5,000) of two hundred and thirteen thousand three hundred and ninety-four dollars and eighty-six cents, (\$213,394 86.) By adding this balance to the gross earnings for the six months following of the successor, we find the gross earnings to be seven hundred and twenty-four thousand two hundred and sixty-three dollars (\$724,263 00) and the expenditures and expenses seven hundred and fifteen thousand eight hundred and sixty-nine dollars and seventy-four cents (\$715,869 74,) leaving a balance of \$8,393 26. This small item is easily explained by reference to the tables of expenditures and expenses necessarily incurred, which are respectively marked (A.) We find, by examination of the table of expenses alone, that the sum of (\$100,721 48) one hundred thousand seven hundred and twenty-one dollars and forty-eight cents, was used to defray expenses of the prior administration, and which are not included in the items of R. Baugh, whilst the amount expended since April 1 exhibits the sum of \$955,100 71.

The gross earnings from September 30, 1866, to the same date in 1867, amount to one million two hundred and seventy-three thousand one hundred and ninety-one

dollars and thirty-five cents (\$1,273,191 35,) and the expenses for the same period were for the prior administration \$40,747 41, and \$687,462 22 for the present, making an aggregate of \$728,209 63. This amount, added to the amount of expenditures, \$413,865 90, forms an aggregate of \$1,141,075 53, showing the balance of net earnings to have been \$132,115 82.

Likewise, by examination, the receipts from September 30, 1867, to June 30, 1868, will be found to have been \$718,828 69. The expenses were \$484,753 24, and the expenditures \$20,251 73, making a total of \$505,004 97, and leaving a balance of net earnings to that period of \$213,823 72. To this item must be added the amount of materials on hand and paid for, which is \$87,237 23, making the grand total of \$310,060 95.

To make a more condensed statement of the results of the operations of the road from September 25, 1865, to June 30, 1868, the foregoing tables show that the receipts of the road for the six months from September 25, 1865, to April 1, 1866, being the administration of Robert Baugh, Superintendent, were—

	\$809,897 26
And his payments	596,502 40
Leaving assets turned over to C. Wallace	\$213,394 86
The receipts from April 1, 1866, to June 30,	
1868—a period of twenty-seven months, were. \$2,502,879 18	
And the working expenses for same period	1,448,954 96
Total net earnings	\$1,053,924 22
Making the total amount of net assets to be accounted for	\$1,267,319 08

The amount has been expended as follows :

For expenses incurred for prior administration	\$122,606 22
Cars	182,993 60
Locomotives and Machinery	176,852 15
New Buildings	116,533 80
Track, Bridging, Division Houses, &c.	423,221 46
Materials on hand June 30	87,237 23
Cash balances due by connecting roads and others	34,952 82
Paid into the State Treasury over and above the amount advanced by Treasury to Road	111,935 82
Cash in Treasurer's hands	10,986 42
	\$1,267,319 08

It will be observed, therefore, that the net receipts of the road, during the 33 months covered by this statement, have been sufficient to put it in complete order, amply equipped and supplied with necessary buildings, besides paying into the treasury of the State not only all that had been advanced, but a surplus of \$111,935 82, leaving in the possession of the road cash and cash assets, including materials paid for, amounting to \$143,176 03.

When we take into consideration the dilapidated condition of the road in consequence of the war, and the lack of financial facilities at the close of this period, the conclusion is at once arrived at, that the figures are very creditable, and the management honestly and well conducted.

The operations of the road up to the 30th of June last are so clearly illustrated in the tabular statements furnished as to require but little comment at the hands of your committee. A rigid investigation of the books and accounts up to that period, and we may add, as far towards the close of the old fiscal year as the end of August, disclosed the fact that they were both neatly and correctly kept. Commencing with the month of September last there were errors found to exist, but it is due to the officials of the road to say that said errors were of that nature wherein no evidence of intentional fraud was apparent. A personal inspection of the books at all the agencies from Atlanta to Chattanooga was made; at several of the more prominent of them discrepancies were found to exist. In the transactions for September—to more fully explain, an example of transaction between the general book-keeper at Atlanta and the Chattanooga agency, is given. For the month above mentioned the abstract book shows that the freight chargeable to the Chattanooga agent was \$3,280 77, yet the general book-keeper only charged him with \$2,071 15—a loss to the road of \$1,209 62 if the former had taken advantage of it. The charges on freights forwarded by the Chattanooga agent (as per abstract book) for the same month amounted to \$41,917 54, while the general book-keeper at Atlanta gave him credit for \$42,332 88, another error of \$415 34 in favor of the former; and still

further, the account current sent to the Chattanooga agent as a final settlement for September, showed a balance in his favor of \$747 63, when, according to the books, it should have been \$876.63 against him, while the Chattanooga agent had it at \$613 19. These errors were promptly rectified when pointed out by your committee. The books and accounts of the general book-keeper for the months of October and November exhibited some errors also. Beyond this no examination was made. The position of chief book-keeper of the Western & Atlantic Railroad is a highly responsible one, and it comes within the province of the incumbent to exercise a healthful influence over every agent along the line of road—to detect their errors, as well as to use scrupulous care in freight-settlements with connecting roads. As elsewhere stated in this report it is to be regretted that a change of employees is of such frequent occurrence on this great line of railway, for to the want of experience in the discharge of difficult and responsible duties is attributable by far the larger part of that irregularity your committee refers to.

EXPENSES

*Of the Western & Atlantic Railroad, from June 30, 1868, to
September 30, 1868.*

ON ACCOUNT OF	Prior Admin- istration.	Present Ad- ministration.	TOTAL.
TRANSPORTATION.			
Stationary and Printing.....	\$ 96 00	\$ 2,305 62	
Loss and Damage.....	225 13	1,406 32	
Stock Killed.....	100 00	1,426 00	
Wages of Watchmen, Laborers and Train Hands.....	562 50	18,463 29	
Wages of Agents, Clerks and Conductors..	385 00	23,646 00	
Mail.....		31 40	
Incidentals.....	50 35	1,077 72	
	<u>\$1,418 98</u>	<u>\$48,356 35</u>	<u>\$49,775 33</u>
MOTIVE POWER.			
Water Stations.....	\$.....	\$ 2,323 00	
Wood.....		15,298 75	
Oil and Tallow for Engines.....	28 60	1,734 17	
Materials.....		2,928 06	
Machinists, Engineers, Firemen, etc.....		32,966 90	
	<u>\$28 60</u>	<u>\$55,250 88</u>	<u>\$55,279 48</u>
MAINTENANCE OF WAY.			
Wages of Supervisors and Laborers.....		\$20,213 80	
Tools.....		651 18	
Timber and Cross-Ties.....		1,488 10	
Repairs on Bridges and Trestles.....		1,440 03	
Iron, Spikes and Chairs.....		12,244 28	
Incidentals.....		701 17	
		<u>\$36,738 56</u>	<u>\$36,738 56</u>
MAINTENANCE OF CARS.			
Labor.....		\$13,732 20	
Materials for Cars.....		10,326 38	
Oil and Tallow for Cars.....		978 21	
		<u>\$25,036 79</u>	<u>\$25,036 79</u>
GENERAL EXPENSES.			
Salary of Superintendent, Treasurer, Audi- tor and Law Expenses.....	\$395 70	\$3,328 91	
Office Expenses.....	21 50	386 13	
	<u>\$417 20</u>	<u>\$3,715 04</u>	<u>\$4,132 24</u>
Total.....	<u>\$1,864 78</u>	<u>\$169,097 62</u>	<u>\$170,692 40</u>

GROSS EARNINGS

Of the Western & Atlantic Railroad, from June 30 to September 30, 1868.

MONTHS.	FROM FREIGHT.	FROM PASSAGE.	FROM MAIL.	MISCELLANEOUS INCOME.	TOTAL.
July	\$48,109 68	\$19,354 86	\$1,437 50		\$68,902 04
August.	68,874 68	19,895 64	1,437 50		90,207 82
September	39,695 17	24,536 02	1,437 50		65,668 69
Total	\$156,679 53	\$63,786 52	\$4,312 50		\$224,778 55

EXPENDITURES

Of the Western & Atlantic Railroad, from June 30, 1868, to September 30, 1868.

ON ACCOUNT OF		PRIOR ADMINISTRATION.	PRESENT ADMINISTRATION.	TOTAL.
EQUIPMENT.				
For Machinery for Engines.				
For Machinery for Cars ..				
DEPOT BUILDINGS.				
For Agents, Freight and Division Houses	\$178 17	
For Tanks, Wells and Wood-sheds		...	50 00	
			\$228 17	\$228 17
CONSTRUCTION.				
For Real Estate for Division Houses.				
For New Buildings	\$ 7 75	
For Masonry and Bridging.	1,505 16	
For Re-laying Track.		..	55 00	
			\$1,567 91	\$1,567 91
Total			\$1,796 08	\$1,796 08

FINANCIAL STATEMENT

Of the Western & Atlantic Railroad, from June 30, 1868, to September 30, 1868.

Cash in Treasurer's hand June 30, 1868.....	\$10,986 42
Materials on hand June 30, 1868.....	87,237 23
Balance due by Post Office Department June 30, 1868.....	4,312 50
Balance due by United States Government June 30, 1868...	4,735 32
Balance due by connecting roads June 30, 1868.	33,735 81
Balance due by former agents June 30, 1868.....	7,431 86
Balance due by agents June 30, 1868.	4,479 48
Bills receivable—notes ..	6,311 30
Balance due to connecting roads September 30, 1868... ..	21,753 94
Balance due to agents	1,046 10
Gross earnings from June 30, 1868, to September 30, 1868..	223,488 92
	<hr/>
	\$405,518 88
Amount paid current expenses from June 30 to Sept. 30, '68	\$169,097 62
Amount paid expenses on prior account, (see table,).....	1,864 78
Amount paid extraordinary expenses, (see table,)....	1,796 08
Balance due by connecting roads September 30, 1868.	12,837 17
Balance due by former agents September 30, 1868.	1,726 94
Balance due by agents September 30, 1868.....	4,908 50
Balance due by Post Office Department September 30, 1868.	4,312 52
Balance due by U. S. Government September 30, 1868.....	663 62
Bills receivable—notes.	6,311 30
State of Georgia.	176,935 82
Cash in Treasurer's hands.	25,064 53
	<hr/>
	\$405,518 88

The expense book and pay-rolls show that the expenditures of the road under the present do not differ materially from those of previous administrations, while about the same amount is being monthly paid into the State Treasury. With careful management, and that strict regard to economy so necessary to the success of any business, there is abundant reason to hope that this great State interest can be made to yield a revenue that will lighten taxation. It has done so in the past, and your committee is of opinion that it may be made to do so all the more effectually in the future.

Since the examination ceased, the book-keeper has furnished the following tabular statement, ending December 31, 1868:

GROSS EARNINGS

Of the Western & Atlantic Railroad, from September 30, 1868, to January 1, 1869.

MONTHS.	FROM FREIGHTS.	FROM PASSAGE.		FROM MAIL.	TOTAL.
October	\$43,617 32	\$18,600 51		\$1,437 50	\$63,655 38
November	43,149 09	21,820 82		1,437 50	66,407 41
December	69,506 99	27,130 86		1,437 50	98,075 35
Total.	\$156,273 45	\$67,552 19		\$4,312 50	\$228,138 14

EXPENSES

*Of the Western & Atlantic Railroad, from September 30, 1868,
to January 1, 1869.*

ON ACCOUNT OF	OCTOBER.	NOVEMBER.	DECEMBER.	TOTAL.
Transportation Since Account.....	\$15,440 23	\$14,036 58	\$17,060 61	
Transportation Prior Account.....		1,679 14	157 50	\$48,374 06
Motive Power Since Account.....	\$12,951 68	\$19,868 66	\$21,351 84	
Motive Power Prior Account.....				\$54,172 18
Maintenance of Way Since Account.	\$6,178 78	\$11,202 71	\$7,759 44	
Maintenance of Way Prior Account.	307 85	.....	85 00	\$25,533 78
Maintenance of Cars Since Account.	\$5,993 56	\$5,754 47	\$9,240 66	
Maintenance of Cars Prior Account.				\$20,988 69
General Expenses Since Account....	\$1,446 90	\$4,441 64	\$1,190 37	
General Expenses Prior Account....	75 00	288 25	.....	\$7,442 16
Total.....	\$42,394 00	\$57,271 45	\$56,845 42	\$156,510 87

EXTRAORDINARY EXPENSES

Of the Western & Atlantic Railroad, from September 30, 1868, to January 1, 1869.

ON ACCOUNT OF		OCTOBER.	NOVEMBER.	DECEMBER.	TOTAL.
Depot Buildings. . .	..	\$131 04	\$542 08	\$1,135 74	\$1,808 86
Construction Account.		249 99	113 98	1,212 50	1,576 47
Total. . .	...	\$381 03	\$656 06	\$2,348 24	\$3,385 33

B. F. MOORE, General Book-Keeper.

FINANCIAL STATEMENT

*Of the Western & Atlantic Railroad from September 30, 1868,
to January 1, 1869.*

Cash in Treasurer's hands September 30, 1868.....	\$ 25,064 53
Materials on hand September 30, 1868.....	83,314 25
Balance due by Post Office Department September 30, 1868..	4,312 52
Balance due by Agents September 30, 1868.....	5,306 67
Balance due by Former Agents September 30, 1868. ...	1,726 95
Balance due by connecting Roads and others Sept. 30, 1868..	200,115 78
Balance due connecting Roads December 31, 1868.....	15,926 76
Balance due Agents December 31, 1868. ...	55 46
Gross Earnings from September 30, 1868, to Dec'r 31, 1868.	228,138 14
	<hr/>
	\$563,961 06
Expenses Paid from Sept'r 30, 1868, to December 31, 1868..	\$156,510 87
Extraordinary Expenses from Sept. 30, 1868, to Dec. 31, 1868	3,385 33
Balance due connecting Roads and others September 30, 1868	22,232 45
Balance due by connecting Roads and others Dec. 31, 1868.	15,744 84
Balance due by Agents December 31, 1868.	12,983 27
Balance due by former Agents December 31, 1868.	488 41
Balance due by Post Office Department December 31, 1868..	7,571 37
Balance due by United States Government Dec. 31, 1868. .	663 62
Balance due by State of Georgia December 31, 1868.	227,833 35
Bills Receivable—Notes on hand December 31, 1868....	6,311 30
Amount paid for Materials on hand December 31, 1868.....	91,244 61
Cash in Treasurer's hands December 31, 1868.....	18,991 64
	<hr/>
	\$563,961 06

B. F. MOORE, General Book-Keeper.

THE POLITICAL COMPLICATIONS OF THE ROAD.

The fifth and last section in the basis of operation by which your committee was guided in its investigations was as follows :

“ V.—Laying all partisan feeling aside, to unite in taking into consideration the propriety of some plan by which the Western & Atlantic Railroad can be placed beyond political complications and influences.”

That politics has worked to the detriment of this great interest of the State since it was first constructed, is no new proposition to the people of Georgia ; and if the investigation of such a subject did not properly come within the province of your committee, they nevertheless thought the occasion a fit one to consider it, and thereby elicit as much information upon a difficult problem as possible. It is not asserted that the baneful effects of politics upon this purely *business* institution of the State has been, or is, peculiar to any one party, or to any particular gubernatorial administration ; for with all it has been, to a greater or less extent, a political machine ; and, doubtless, all have made it subserve political ends. The political doctrine—or the prerogative which the successful party has exercised until it seems to have become a doctrine—of “rotation in office” is the evil of which your committee have to complain, and which they could ardently wish to see removed. For instance, each in-coming Governor has his friends to reward, and one way of doing it is to give them positions on the Western & Atlantic Railroad. Thus, we find sometimes men of fine business qualifications, as well as large railroad experience, displaced in order to make room for others, having nothing to recommend them save political fidelity to the party in power. In this way, incompetent men are assigned to difficult and responsible duties, and the disastrous results of such an unwise course were abundantly apparent to your committee in the present administration of the road, and there is little doubt that the same existed in those which preceded it. Your committee would cite, in order to more fully illustrate the evil

complained of, that in examining the pay-rolls of the Western & Atlantic Railroad, they found many instances where old and faithful employees have been discharged for no cause save to make room for friends of the new officials, and that said old employees, or many of them, were retained for such a length of time as was deemed necessary to initiate the new ones into the duties of their respective positions. The change of employees that would require such an arrangement is of itself of questionable propriety, but that phase of it which may be characterized as absolutely reprehensible and of positive injury to the interests of the State, is, where the two sets of employees were found to draw the same wages! There is no reason why the business management of this great State interest should differ from that of private railroad enterprises, and it is a certain fact that the stockholders of no railroad in Georgia would tolerate for a moment such an abuse of their interests. In such latter companies, merit alone is the governing rule in the selection of employees; and until the Western & Atlantic Railroad shall be made to adhere to a similar policy, the disasters resulting therefrom will be frequent, the confusion continuous, and the actual loss greater than your committee have any means of arriving at.

Being fully alive to the importance of this subject, and with the hope of eliciting, in a liberal discussion of it, some remedy for the evils above referred to, your committee adopted the following resolution:

"WHEREAS, A large portion of the people of Georgia—very many intelligent and experienced railroad men among the number—have in past years, and do now, express the opinion that the general management of the Western & Atlantic Railroad, and the interests of the people to whom it belongs, would be greatly subserved if said road were moved beyond the reach of political influences and complications, be it

"Resolved, That the views of prominent railroad men in Georgia on the subject be solicited; and, to that end, the

chairman of this committee is hereby requested to forward copies of this preamble and resolution to the officials of the several railroads, with the request that they favor the committee, at any early day, with written opinions, embracing such suggestions as they may deem pertinent to the end aimed at."

In response to this resolution, we have the honor to call the attention of your honorable body to the following communications, and, without presuming to suggest a remedy, leave the subject with you.

ATLANTA, GA., November 24, 1868.

To the Committee on the Western & Atlantic Railroad:

GENTLEMEN: I consent with pleasure to comply with your request to reduce to writing the substance of the remarks which I made before you this morning, on your invitation, upon the question of taking the State Road out of politics. The resolution under which the request is made by the committee recites that "a large portion of the people of Georgia—very many intelligent and experienced railroad men among them—have in past years, and do now, express the opinion that the general management of the Western & Atlantic Railroad, and the interests of the people to whom it belongs, would be greatly subserved if said road were removed beyond the reach of political influences and complications."

This may be a very desirable object. But it is an utter impossibility as long as the road remains the property of the State. You had as well try to make water run up hill as to try to accomplish it. You can nowhere cite an instance of a great State work, worth millions of dollars, the property of the State, into the management of which politics does not enter.

If the road is the property of the State, as in this case, there must be somewhere a power in the State that manages and controls it. And it matters not whether this controlling power be the Governor, or a President elected by the people, or a board of commissioners elected or appointed

by the Legislature, all applicants for position on it will look to that power, and will favor the selection of this or that man with more or less reference to how his selection will effect their prospects for appointment. .

Of all the plans for the management of such a work, I think that of a board of commissioners the worst. The selection of such board will be made a party question, whenever it is attempted, and will be controlled by political considerations. When selected, each member of the board feels that the responsibility is divided, and that only part of it rests upon him. Each will have about as many personal friends and favorites as one man who may manage it under the present system has. And the friends of each and all must be provided for. The consequence will be that each commissioner will vote to give the friends of his associate commissioner a place, only in consideration that he vote to give his friend as good a place. And as the Superintendent must be selected by them, he would be under obligations to accommodate all as far as possible. He must, therefore, make places for the friends of all. The result would be, an unprecedented number of *dead heads*, sinecure positions, and imprudent contracts, giving all the advantage to contractors against the road.

The present system has existed for a quarter of a century, and has had the sanction of the ablest and purest statesmen of Georgia, almost all of whom have served in the Legislature, and been called upon to investigate, it, and pass upon it, or to administer it as Governor of the State. In the main, it has worked well. And I think you may rely upon it that no one can manage the road and waste the money of the State in our present impoverished condition, and expect to retain power by a second election. One of the advantages of the present system is that the Governor—one man—is directly responsible to the whole people of the State for its management. If he is faithful and competent, and pays every dollar of net earnings honestly into the treasury, the road is a source of strength to him, as it should be. But if he fails in his administration of it, and divides out its earnings in the attempt to

serve his personal friends, and to conciliate strong political influences, he will displease the great mass of the people who are wronged by such action, and they will condemn him at the ballot-box the first opportunity.

It is naturally to be expected that the Governor will prefer those of his own party for position, when competent. This is the case with all administrations. Neither party has a right to complain of it, as all parties practice it. It is my deliberate judgment, therefore, that the present system, which has met the approval of our wisest and best men, is the best that we can devise. If there are evils attending it, they are less than those that would attend any other system which we can substitute for the present one. The best advice I can give, is to hold those who manage this great State work to a strict accountability, expose their errors and mismanagement, where such exist, before the people, and if they do not come up to the just standard of popular expectation, displace them at the next elections and try other men.

There is one way, and only one, by which the road can be taken out of politics, and that is for the State to make an absolute sale of it. I think many of the railroad men of this State, and probably those of other States, as well as other capitalists, would favor this. Some of the other roads would like very much to control this great connecting link—this key to the mountains—which unlocks the great West, and connects it with the Atlantic. In some such hands it might be made a dangerous monopoly. Again, capitalists would favor the sale because the road is a very valuable property, and they would be glad to own stock in it. The same reason should induce the State to keep it. It is the best property she has left, and the best she will ever own. My opinion is the people of the State do not desire to sell it, and that they will condemn, and hurl from power any Governor and Legislature that make the sale. And until it is more clearly shown than it has yet been, that it cannot be made profitable to the people, I think it ought to displace any administration that favors such sale.

It has been suggested that the road be stocked and sold to the bondholders of the State in payment of the debt of the State. This will not work, for the reason that the creditors of the State are generally capitalists who are satisfied with safe investment. So soon as the State would propose to anticipate her indebtedness and redeem it in advance, the holders, regarding it safe, would be the less inclined to receive the money for their bonds. If you sell, you must sell for cash. And if it were now sold, and the money now in the treasury, I have no doubt the present Legislature would appropriate the last dollar of it before its final adjournment. Probably any future Legislature would do the same thing. We should then owe the debt and be without the road.

With each change of administration there will probably be some persons employed who may lack the necessary experience. This is one of the evils of managing a public work of this character by a State; but it is to some extent remedied by the new Constitution, which makes the Governor's term of office double that of the old term. In future, if the Governor should so act as to deserve the public confidence, and receive an endorsement of the people by a re-election, each administration will last for eight years, which will secure more experience in the officers and agents who hold position under it. If the Executive fails in this, (and nothing will contribute more to such failure than the bad management of the road,) the people will be able, at the end of four years, to place their interests in better hands.

Nearly eight years' experience in the management of the State Road, in connection with the other great interests of the State, have convinced me of the correctness of the views above expressed.

I am, gentlemen, very respectfully, your obedient servant,

JOSEPH E. BROWN.

GLEN HOLLY, GA., Nov. 25, 1868.

T. D. Wright, Esq., Secretary Committee, Atlanta, Ga.:

SIR: Your communication to me of the 10th instant has just come to hand. It encloses a preamble and resolution of the Legislature of the State of Georgia, by which your committee have called on me for my views and opinion of the expediency of such a change of the general management of the Western & Atlantic Railroad as would place it beyond the reach of political influences and complications.

I cheerfully respond, and herewith give you my views:

First. The Western & Atlantic Railroad is a very large estate, belonging to the people of Georgia. It is capable of yielding an annual income of a half million of dollars, over and above the gróss receipts and disbursements. The collecting and paying out these sums involve, annually, transactions of a million and a half of dollars, and the employment of a great many men at stated salaries, who depend on such salaries for their living. This large property, involving the employment of so much money and so many serving-men, belonging, as stated, to the people of Georgia, must be managed by the people, as their chosen agents, selected and appointed for that purpose. The people, *en masse*, cannot manage it.

Whenever they undertake to choose a person or persons to manage it for them, whether it be directly done by themselves or indirectly by the Legislature or the Executive, this act of choosing or appointing is necessarily subjected to "political influences and complications." Hence, I have never been able to conceive of a plan for the management of this vast property that could free it from such "influences and complications" whilst it remained the property of the people. If, therefore, it be deemed indispensable thus to free it, the only plan by which it can be done is to sell it. This involves, however, a choice between evils. Of the two, after mature consideration for many years, I have believed the lesser evil is not to sell.

Continuing to hold it as the property of the State still involves the necessity of risking the influences and complications, a removal beyond the reach of which it is

thought the interest of the people would be greatly subserved. To remove it beyond the reach of these influences for the reason just stated by any plan short of a sale, is simply impossible, since the appointing or choosing an agent or agents to manage it involves political action, subject to the very influences and complications referred to. In adopting any system of management, therefore, only involves a question of more or less, so far as we may intend or desire to place it, free from such complications. As before stated, it must be managed by the people directly, or by the Legislature, or Governor, or some one appointed or chosen by these or by the people.

We think there should be but one opinion upon this point, to wit: That the immediate and direct management of the road should be confided to one executive head to superintend and direct the operations. Whether he shall be chosen by the people direct or by the Legislature, or by two or more persons appointed for that purpose, or whether he should be appointed by the Governor, are the matters alone subject to doubt. If, therefore, one opinion, which is here asked, can be of use, it will be in regard to these doubtful points. Our experience has been mainly in one direction, since by one system the Governor has habitually appointed the Superintendent, and has been vested with the power of removal. As to a choice directly by the people, or indirectly by the Legislature, we think either of these involves greater evil than the appointment by the Governor. As to the appointment by two or more persons to be chosen by the people or their representatives, we are of opinion that there is much to hazard in the efficient government and management of the road, and very little to be gained in the effort to place it beyond the reach of political influences; hence, it is, and has been, our opinion that we cannot do better than to make the Governor responsible for the proper management of the road by proper persons appointed by him for that purpose. Practicing on this plan, we have had successful results. We do not feel called upon for an exposition of the reasons of the

opinion here expressed. We are only asked for an expression of an opinion.

By permission of the committee, however, we will here state that this opinion is the result of mature consideration and patient examination and observation of the conduct and management of this road during every administration of every party from the beginning of its structure until now. We have been all the time located on the line, with the largest individual interest in the country depending upon its just and proper management; we have been the largest contributor of products for its freight, subject to gain or loss thereby. These have prompted us to a full examination of these subjects. We were the first to suggest the building of the road, were present to indicate to legislators the practicability of the route when the act authorizing its structure was adopted. We have marked its progress and completion, and closely observed its subsequent management, under the promptings of interest, as well as an ardent desire for its success. Before the moving of the dirt for the building of the Georgia Railroad, we were the first to call a public meeting in Middle Georgia, which proposed and adopted resolutions for the building of that road. We have, therefore, by active co-operations, yielded to the influence of enthusiastic feeling for the commencement and consummation of a grand undertaking which has brought the western products through our State to our Atlantic cities. These facts, with an observation and experience of forty years, habitually identified with our railroads and their operations, have satisfied me of the justness and propriety of the opinions here expressed; all of which is respectfully submitted by

Your obedient servant,

MARK A. COOPER.

WESTERN & ATLANTIC R. R., OFFICE SUPERINTENDENT,
ATLANTA, GA., November 10, 1868.

Hon. W. C. Smith, Chairman Joint Committee:

SIR: I have the honor to acknowledge the receipt of the preamble and resolution adopted by your committee relative to the removal of the management of the Western &

Atlantic Railroad "beyond the reach of political influences and complications," and in response to the request therein contained, beg leave to submit the following reflections as pertinent to the question involved.

The two most prominent plans that have been suggested and discussed are—

1. The appointment of commissioners by the Legislature, empowered to appoint all officers of the road.
2. The sale of two-thirds of the road, the State retaining one-third.

The first proposition cannot fail to strike the mind as impracticable and entirely wanting in the adaptation of means to ends, which is conceded by all as absolutely necessary in conducting all great works, both public and private, inasmuch as it proposes to take from one man (the highest officer known to our Constitution,) the authority now vested in him, and transfer it to the hands of three or more persons, responsible only to the Legislature.

It is a simple proposition to transfer the responsibility from one man to that of an indefinite number.

Wherever, in the management of great works of this kind, the experiment has been tried, it has afforded a striking exemplification of the folly of dividing authority and thereby shifting the responsibility to a number of irresponsible persons, who, to say the least, are rarely if ever held to an accountability for any mal-administration that may have occurred during their term of office.

The present laws governing the road fix the responsibility of the management upon the Governor and the Superintendent selected by him.

The success of his administration as a whole depends more upon the successful administration of the road than all other causes combined.

He either stands or falls upon this question.

The people of Georgia have long since learned to judge of the merits or demerits of an administration by this test.

Tax-payers are keenly alive to their interests, and it cannot for a moment be supposed that they will consent to

abandon a plan which has heretofore largely relieved them from taxation and adopt a doubtful one.

The present plan fixes the responsibility upon the Governor, where it properly belongs.

The appointment of three or more commissioners by the Legislature (a political body) simply shifts the responsibility from the shoulders of one man, in a position where every incentive to honorable action and success in his administration imperatively demand of him a decided success, to that of the control of parties who are irresponsible to the people, and who, it is presumed, in the absence of that direct personal responsibility which is positively demanded in the successful administration of public affairs, would certainly be subjected to much greater political influences than in the other case, thereby increasing, instead of diminishing, the imaginary evils sought to be avoided.

The present plan has been a success, has largely relieved the tax-payers, and been the means of sustaining the credit of the State. This being the case, why abandon it and adopt one of doubtful expediency?

The second plan, that of selling two-thirds of the road, and the State retaining one-third, has been tried in similar cases in other States, and the results have proven anything but satisfactory.

In this case the interest held by the State would be subjected to the dictation and absolute control of interested parties.

So long as the State retains any interest in the road she should own it entire. Whenever a State becomes a partner with individuals she becomes a sufferer.

This brings us to a direct consideration of the question, how to remove the road from "political influences and complications." So long as it remains the property of the State, in whole or in part, it will necessarily be more or less subjected to political influences.

A new administration, although of the same political party as its immediate predecessor, would naturally desire to surround itself with a cabinet of its own selection. This

is natural, and is a right that is freely conceded by all parties.

The Governor is responsible to the people for the proper management of the road.

It is both just and proper that he should have the appointment of the Superintendent, and he in his turn the appointment of all his subordinate (cabinet) officers, holding the head of each department responsible for the proper management of the same.

This insures a proper administration in each department, and a direct accountability that can be obtained in no other way.

These appointments assuming a political character would seem to be at first objectionable, but experience has not demonstrated that conclusion, but, on the contrary, quite the reverse.

What great public work has been managed more satisfactorily to its stockholders (the tax-payers) than the Western & Atlantic Railroad? Of all the roads in the State, what one can be named that is in a better or more flourishing condition, or what one whose prospects for the future are more flattering?

To sever the road completely and entirely from political influences will necessitate the sale of the State's entire interest in it.

Are you prepared to recommend this to the people as the proper policy to be pursued, in face of the fact that the road has for a long term of years paid into the treasury annually (despite political influences) a sum amounting in the aggregate to hundreds of thousands, thereby relieving the tax-payers to that extent?

Ten years hence the gross earnings of the road will in all probability exceed six millions of dollars per annum, and the net income be sufficient to defray the expenses of your government, or, if judiciously expended, sufficient to establish a system of free schools, in which every child in the State might receive at least a fair English education.

Is it prudent or wise to jeopardize the future interest of the people by a policy of doubtful expediency?

The present policy has been a successful one.

Why endanger it?

I am, most respectfully, your obedient servant,

E. HULBERT.

OFFICE GEORGIA AIR LINE R. R. CO.,
ATLANTA, GA., Dec. 21, 1868.

Hon. W. C. Smith, Chairman, etc.:

DEAR SIR: Your circular communication requesting suggestions in respect of certain questions affecting railroad management is just to hand. I take the first moments of opportunity to reply briefly.

The result of my observation and experience of railroad operation and general management, running over a number of years, is the thorough conviction that these great agencies, affecting, as they do, all the industrial interests of the people, are never so successfully conducted, as a general rule, as when directed by the skill, prudence, enterprise and steady policy which the exclusive control of private stockholders alone secures, disconnected and protected from the vacillations inseparably incident to a political or government control, wherever it exists. Railroads are great properties, essentially requiring high business qualifications in their managers to secure their success as corporate interests, and their consequent ability to afford to the business they respectively serve those uniform, cheap and convenient facilities so important to our agriculture, commerce and manufactures. Managers of this class cannot be so certainly secured as long as they are dependent on the constant mutations of our fickle politics, or if they can, their legitimate action is always more or less in restraint from influences outside of the strictly business considerations which alone should control these strictly business interests. The result often is irregular and vacillating policy of management, disaster or embarrassment to the corporations, inconvenience or absence of accommoda-

tion to the community, and, what is perhaps more than either, the discouragement of investment in the further construction and multiplication of these important arteries of commerce and indispensable agencies to the growth and prosperity of our country. Among the sagacious people of the North and West, they have long since learned the wisdom of disconnecting politics from railroad management. If the State aids, she does it as a creditor, not as proprietor, leaving to the untrammelled direction of private enterprise and interest the capital thus invested.

As far as I am advised, I am inclined to think that the public sentiment in the South has greatly changed to the same line of view. In North Carolina and Virginia I know that the prevailing opinion is that all interests require the conversion of the State properties in the roads, and then surrender into the hands of private stockholders. My own opinion is that such a result will certainly lead to a better organization of our Southern system of roads, and the rapid development of new lines wherever the wants of the country require them. I think a mixed management of State and private proprietors probably more objectionable than any other. One either exclusively by the State or private owners is likely to be better. The history of your own State Road—the Western & Atlantic—is not sufficiently well known to me to justify any positive conclusions from it. It seems to have been generally conducted with reasonable success. But whenever a great property like that is in a position that furnishes a temptation to have it wielded in the interest of politics, it can only be accidental if it escapes serious injury for any length of time under such surroundings. Such exemption must go rather to the credit of the management than to the theory on which the road is organized.

I beg you to accept this brief statement of views as the best I have time just now to submit. I give it with my respectful deference to any contrary opinions, but as a well-considered opinion of my own, and not of very recent date. I am, very respectfully, your obedient servant,

A. S. BUFORD.

OFFICE OF ROME RAILROAD COMPANY,
ROME, GA., Nov. 16, 1868.

Major T. D. Wright, Secretary, Atlanta, Georgia:

DEAR SIR: The committee's resolution is before me. In order to accomplish the desired object expressed in the preamble accompanying, (which I think is very important for the State of Georgia) and that would be to dispose of the road and place the sum in railroad bonds of Georgia, which I regard as the best security to be had. No doubt parties purchasing would wish to procure a large portion of the road on time, which would suit the State, as they might make it entirely secure. This has long been my notions of the State Road of Georgia.

I have heard suggested commissioners to act as a board of directors. That, in my judgment, would only have a tendency to increase the party in power.

Respectfully yours, &c., W. S. COTHRAN, President.

—
All of which is respectfully submitted.

W. C. SMITH, Chairman,
B. CONLEY,
THOS. J. SPEER,
JOHN T. BURNS,
Senate Committee.

M. J. CRAWFORD, Chairman,
R. L. McWHORTER,
WM. J. HUDSON,
W. T. McCULLOUGH,
W. M. TUMLIN,
JOHN NEAL,
V. P. SISSON,
M. A. HARDIN,
House Committee..

Attest:

T. D. WRIGHT, Secretary.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled and ready for the signatures of the President of the Senate and Speaker of the House of Representatives the following act:

“An act to incorporate the Trion Railroad Company.”

E. I. HIGBEE, Chairman.

The following message was received from his Excellency the Governor through Mr. de Graffenried, his Secretary, to wit:

Mr. President:

The Governor has approved and signed the following act, to wit:

“An act to define the liability of Sheriffs and other ministerial officers of this State, and to grant relief to the same.”

The Senate then took up the special order for the day, the same being the bill to re-convey property to the heirs of Samuel Mitchell, and to repeal the act passed in 1859 in regard to said property.

After debate Mr. Griffin of the 21st District called for the previous question, which was not sustained.

Mr. Harris moved that when the Senate adjourns it meet again at half-past two o'clock, this P. M., for the purpose of reading House and Senate bills the third time, which motion was agreed to.

On motion the Senate then adjourned until half-past two o'clock, P. M.

2½ O'CLOCK, P. M.

The Senate met pursuant to adjournment and was called to order by the President.

The Senate took up the bill of the House to provide for the election of Justices of the Peace and Constables throughout the State.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

Mr. Candler moved to strike out the word "March," in section first, and insert the word "April" in lieu, which was agreed to.

The report of the committee, as amended, was agreed to. The bill, as amended, was read the third time and passed.

The Senate took up the bill of the House to change the line between the counties of Berrien and Irwin.

The Committee on New Counties and County Lines, to whom this bill was referred, reported the same back with the recommendation that it do pass.

Mr. McArthur moved to disagree to the report of the committee, which motion prevailed.

On motion the bill was read the third time and passed.

The Senate took up the bill of the House to change the line between the counties of Irwin and Wilcox.

The Committee on New Counties and County Lines, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to authorize certain persons therein named to remove obstructions in Gum Swamp Creek, Little Ocmulgee River and their tributaries; to confer certain powers and privileges upon the same, and for other purposes.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back with the recommendation that it do pass, with an amendment.

On motion of Mr. McArthur the amendment, as reported by the committee, was rejected.

The bill was read the third time and passed.

On motion the Secretary was directed to transmit the bill forthwith to the House of Representatives.

The Senate took up the bill of the House to authorize the Clerks of the Superior Courts of this State to issue

executions on judgments obtained in the Inferior and County Courts of this State, in cases where the Clerks of said Inferior and County Courts have failed to do so.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to prohibit and make penal the sale and purchase of agricultural products, in the county of Lowndes, after night, by and from tenants by the year, or hired laborers, without written permission from the owner of the land on which the same was raised, or his authorized agents.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

On motion the words "and Macon" were inserted after the word "Lowndes;" and upon the question "shall this bill, as amended, now pass," the yeas and nays were required to be recorded, and are yeas 18, nays 11.

Those voting in the affirmative are—

Messrs. Adams, Adkins, Bruton, Candler, Colman, Corbitt, Fain, Gignilliat, Griffin 21st, Hicks, Jones, Jordan, Lester, McArthur, McWhorter, Nesbitt, Nunnally, Smith 7th.

Those voting in the negative are—

Messrs. Bowers, Brock, Dickey, Harris, Hinton, Hungerford, Merrill, Sherman, Smith 36th, Winn, Wooten.

So the bill, as amended, was read the third time and passed under the following title, to wit:

"A bill to prohibit and make penal the sale and purchase of agricultural products in the counties of Lowndes and Macon, after night, by and from tenants by the year, or hired laborers, without written permission from the owners of the lands on which the same was raised, or their authorized agents."

The Senate took up the bill of the House to amend the garnishment law of this State.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to legalize the election of James Buchanan as Sheriff of Randolph county.

The Judiciary Committee, to whom this bill was referred, reported the same back without recommendation.

On motion the bill was read the third time and passed.

The Senate took up the bill of the House to apportion certain sections of roads to be worked by the employees of the Concord Manufacturing Company, and thereby exempt them from general road duty.

The Committee on Agriculture and Manufactures, to whom this bill was referred, reported the same back with the recommendation that it do not pass.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to create a board of commissioners of roads and revenue in the several counties in this State.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to authorize W. A. Bass, administrator, and Ann M. Cozart, administratrix of Hubbard W. Cozart, deceased, late of Fulton county, Georgia, to sell the personal property of said estate on the premises where said property may be.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do not pass.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House authorizing the treasurers of White and Habersham counties to receive jury certificates for all dues to said counties.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to amend an act to incorporate the town of Jonesboro', in the county of Clayton, and an act amendatory thereof.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to define the true intent and meaning of section 3652 of the Code of Georgia.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to define the boundary line between the counties of Clay and Quitman.

The Committee on New Counties and County Lines, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to repeal so much of the following act as relates to the counties of Muscogee, Macon and Richmond:

"An act to provide for the levying and collection of a tax for the payment of costs due to Clerks and Sheriffs in insolvent criminal cases in certain counties therein mentioned."

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do not pass.

Mr. Hinton moved to disagree to the report of the committee, which motion prevailed.

On motion the words "Macon and Richmond," as contained in the bill, were stricken out.

Mr. Wellborn then proposed the following amendment, to wit:

"Provided that the repeal of the above recited act of the 28th of September, 1868, so far as Muscogee county is concerned, shall not be construed as in any way touching or effecting any case in said county where any administrator on the estate of a deceased officer, or other party interested, have proceeded under said act and have already had their account or accounts audited and allowed by a Judge of the Superior Court, or other officer, as authorized by law, and where said party or parties have made a demand, in writing, upon the Ordinary of said county to levy the tax as provided in the act of 1868. But the said party or parties, acting under the act of 1868, shall have the same rights in the collection of said costs under said act as if this act had not passed."

Mr. Wooten proposed the following amendment, to wit:

"Provided that nothing in this act shall be construed so as to interfere with any rights that may have been vested under the law which this act repeals."

After debate Mr. Wellborn moved to recommit the bill, with the amendments, to the Judiciary Committee; whereupon the yeas and nays were required to be recorded, and are yeas 13, nays 15. •

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Bruton, Dickey, Fain, Griffin 21st, Jones, Lester, Merrill, McWhorter, Smith 7th, Smith 36th, Wellborn.

Those voting in the negative are—

Messrs. Adams, Brock, Candler, Colman, Gignilliat, Hicks, Hinton, Hungerford, Jordan, Nesbitt, Nunnally, Sherman, Speer, Winn, Wooten.

So the motion to recommit the bill, with the amendments, to the Judiciary Committee did not prevail.

The question was then put upon the amendment of Mr. Wooten, which was adopted.

The question was then ordered upon the amendment of Mr. Wellborn, which was lost.

The question then recurred upon the passage of the bill as amended, and the bill, as amended, was passed under the following title, to-wit: "A bill to be entitled an act to repeal so much of the following act as relates to the county of Muscogee: 'An act to provide for the levying and collection of a tax for the payment of costs due to Clerks and Sheriffs in insolvent criminal cases in certain counties therein mentioned.'"

Mr. Hinton gave notice that he would move to reconsider the action of the Senate on the foregoing bill on tomorrow morning.

Mr. Nunnally offered the following resolution, which was taken up, read and adopted, to-wit:

WHEREAS, a bill to be entitled an act to incorporate the Commercial Banking Company of the city of Griffin, passed the Senate on the 30th ultimo, and the House on the 17th instant, which was not properly transcribed, be it therefore

Resolved by the Senate and House of Representatives, That the Governor be, and he is hereby, requested to return the bill to the Senate that the same may be corrected.

Mr. Wellborn, from the Committee on Banks, made the following report:

Mr. President:

The Committee on Banks, to whom was referred a bill to be entitled an act to incorporate the Savannah Bank and Trust Company of Savannah, have had the same under consideration, and recommend that it do pass with the following amendments, to wit: Strike out from nineteenth line of the third section the word "five," and insert the word "nine;" and strike from the middle of the fourteenth line of the ninth section all between the word "acting," in said fourteenth line, and the word "and," in the twenty-first line of said section; also, in the twenty-third line of said section, strike out the word "shall," and insert "may;" also,

strike out words "or diminish," after the word "increase," in the fifth line of the fifth section.

C. J. WELLBORN, Chairman.

Mr. Merrill, from the Committee on the Judiciary, made the following report :

Mr. President :

The Judiciary Committee, to whom was referred a bill of the House of Representatives to amend the 569th section of Irwin's Code, recommend the passage of a substitute in lieu thereof. They recommend the passage of the following bills of the House, to wit :

A bill to facilitate settlements of co-partnerships dissolved by death of one or more partners.

A bill to provide for the foreclosure of mortgages on personal property in this State, and for other purposes.

A bill to amend the 12th section of the act entitled an act to provide for setting apart a homestead of realty and personalty.

A bill for the encouragement of the agricultural interests of this State by giving planters good credit, and giving proper security to persons who extend such credit, and for other purposes.

The bill re-referred to the committee to protect the lives of citizens of this State, they again report back without recommendation.

The following bills they report back without recommendation, to wit :

A bill to amend an act to give landlords liens upon the crops of tenants, and for other purposes, approved March 16, 1866.

A bill to extend and regulate the law of set-off and recoupment, and to authorize damages to be set-off in certain actions founded on damages.

The several bills offered respectively by the Senate and House of Representatives in reference to carrying into effect the 30th section of the 1st article of the Constitution,

they have had under consideration, and recommend a substitute in lieu thereof.

The following bills they recommend do pass, to wit :

A bill to incorporate a company to be called the People's Insurance and Banking Company of the State of Georgia.

A bill to change the time of holding the Superior Court in the county of Clayton.

A bill to provide certain qualifications for Justices of the Peace and Constables of the militia districts embraced within the limits of the city of Savannah, and for other purposes.

A bill to amend the fourth section of an act entitled an act for the relief of debtors, &c.

A bill to amend the first section of an act for the relief of debtors, and to authorize the adjustment of debts upon the principles of equity.

The following bills they recommend do not pass, to wit :

A bill to enable Robert L. J. Grant, of the county of Fulton, to peddle in this State without license.

The bill of the House of Representatives to allow John Taylor and others to peddle without a license in this State.

The following Senate bill they recommend do pass, to wit :

A bill to incorporate the Workingmen's Mutual Relief Association of Georgia.

W W MERRILL, Chairman.

The following message was received from his Excellency the Governor through Mr. de Graffenried, his Secretary, to wit :

Mr. President :

The Governor has approved and signed the following act, to wit :

An act to authorize the Georgia Railroad & Banking Company to aid the Macon & Augusta Railroad Company by loans or endorsements, and to enable the said Macon & Augusta Railroad Company to secure the same.

Also, an act to incorporate the Trion Railroad Company.

Mr. Wellborn offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That the Secretary of the Senate be requested to officially notify the House that the Senate has taken no definite action on the resolution of the House fixing a day of adjournment.

On motion the Secretary was directed to transmit the foregoing resolution forthwith to the House of Representatives.

The Senate took up the bill to incorporate the Atlanta Water Company.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back with the following substitute, which they recommend do pass in lieu of the original, to wit:

A bill to be entitled an act to incorporate the Atlanta Canal and Water Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Georgia*, That Lewis Schofield, W D. Cook and Lewis Schofield, jr., and such others as may be associated with them, their successors and assigns, are hereby created a body politic and corporate under the name and style of the Atlanta Canal and Water Company, with succession for ninety-nine years, and by that name and style they may sue and be sued, plead and be impleaded, defend and be defended in any court of law in this State, or elsewhere, to make, have and use a common seal, renew and alter the same at pleasure, and are hereby invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as herein set forth.

SEC. 2. *Be it further enacted*, That the capital stock of the said company shall be three hundred thousand dollars, and be divided into shares of one hundred dollars each, and it may be increased, from time to time, to an amount not exceeding five hundred thousand dollars, and shall be issued and transferred in such manner and under such con-

ditions as the directors of the said company shall by the by-laws thereof prescribe.

SEC. 3. *Be it further enacted*, That the corporate powers be vested in and exercised by a board of directors, consisting of such number of persons, not less than five nor more than seven, as the stockholders may from time to time direct. The said directors shall be chosen by the stockholders at such time and place as may be fixed by the by-laws of said company, and shall hold their office for one year and until their successors are elected. They shall elect one of their number President of said company, and may fill any vacancy in the said board occasioned by death, resignation or otherwise. The said board of directors shall have power to appoint all necessary clerks, secretaries and other officers and agents necessary for the transaction of the business of the company, to determine their duties and fix their compensation.

SEC. 4. *Be it further enacted*, That the board of directors are hereby authorized to make all necessary rules and by-laws that may be deemed necessary or expedient to carry into effect the provisions of this act for the transfer and assignment of its stock, which is hereby declared personal property, and transferable as shall be provided by the by-laws or ordinances of the said corporation, and shall have the right to prescribe the mode and manner in which the capital stock shall be paid in, and make calls for the same; shall also have the right to enforce the payment thereof by the forfeiture of the stock upon which the call shall not be paid, or by suit, or by both means, under such rules and regulations as the board may prescribe.

SEC. 5. *Be it further enacted*, That the corporation shall have the right, and be vested with the authority, to purchase, lease, rent and hold, and dispose of all such property, real, personal and mixed, as they may require for the purpose of the introduction of canal and water into the city of Atlanta, and disposing thereof in the said city or elsewhere, and shall have full power, and they are hereby authorized, to take, hold and convey into and through said city the waters of any stream or other body of water to

such an extent and in such manner as may be necessary or expedient in carrying into effect the objects of this act, and may take and hold, by purchase or otherwise, any lands or real estate necessary for the purposes of this act, and for laying and maintaining aqueducts for conducting, discharging, disposing of and distributing water, and for forming a reservoir or reservoirs, and for all buildings, structures, machinery and fixtures necessary to the most perfect and complete supply of said city with pure water for all public and private uses, and for preserving said lands and waters for the use of said company, pure, free from all contamination, nuisances, ditches, drains, and sewers, and from the access of persons, animals, or from the erection of any buildings or structures other than those used or employed by said company for the purposes of this act. They may make and establish and enforce all necessary and proper regulations and by-laws for the preservation of the same; may make and establish such public hydrants, and in such places as may from time to time be deemed proper, and prescribe the purposes for and the manner in which they may be used; may change and discontinue the same; may distribute the water throughout the city or town, and for this purpose may lay down pipes to any house or building, the owners thereof consenting thereto; may regulate the use of the said water within and without the said city, and establish the prices or rents to be paid therefor; and the said company may, for the purposes aforesaid, carry and conduct any aqueduct or other works by them to be made and constructed over or under any water course, street, pike, road, railroad, highway or other way or public grounds, and may dig up the same for the purpose of making, repairing, laying down or maintaining any aqueducts or pipes beneath the surface thereof, and may do any other acts necessary and proper for the purposes of this act.

SEC. 6. *Be it further enacted*, That this act take effect from and after its passage.

SEC. 7. *Be it further enacted*, That all laws and parts of

laws conflicting with this act be, and the same are hereby repealed.

The report of the committee was agreed to. The bill, as reported by the committee, was read the third time and passed under the following title, to wit :

“A bill to incorporate the Atlanta Canal and Water Company.”

The Senate took up the bill of the House to change the times of holding the Superior Courts of the Southern Circuits, and to draw and summon separate panels of jurors for each week of said courts in the counties of Thomas and Brooks, and other counties.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to incorporate the Atlanta Canal and Water Company.

On motion the bill was laid on the table for the present.

On motion the Secretary was directed to transmit to the House forthwith all bills passed this day, except such as where notice was given of intention to reconsider.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Friday, February 26, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. A. E. Cloud, Honorable Member of the House of Representatives.

The roll was called and the Journal of the previous day was read and approved.

Mr. Merrill moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to define the true intent and meaning of section 3652 of the Code of Georgia.

After debate Mr. Harris moved to lay the motion to reconsider on the table, which was not agreed to.

The question was put, and the motion to reconsider prevailed.

Mr. Merrill then offered the following amendment, to be known as section first, to wit :

“The commissions of county treasurers shall be as follows: ‘on all amounts received and paid out by them, where the amount shall not exceed \$3,000, five per cent.; when the amount shall be over \$3,000, and not exceeding \$5,000, four per cent.; when the amount shall be over \$5,000, and less than \$10,000, three per cent.; and when the amount is over \$10,000, two per cent.’ Amend the title by adding, after the word act, by inserting the following: ‘to change section 3652 of the Code.’ ”

After debate the question was put upon the amendment of Mr. Merrill, which was adopted.

The question was then put upon the passage of the bill as amended, and the same, as amended, was passed under the following title, to wit :

“A bill to be entitled an act to change section 3652 of the Code.”

Mr. Speer moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House authorizing the treasurers of White and Habersham counties to receive jury certificates for all dues to said counties. The motion prevailed.

On motion of Mr. Speer the bill was passed.

Mr. Hinton, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House to repeal so much of the following act as relates to the counties of Muscogee, Macon and Richmond: “An act to provide for the levying and collection of a tax for the payment of costs due to Clerks and Sheriffs in insolvent criminal cases in certain counties therein mentioned.”

The motion to reconsider prevailed.

Mr. Hinton then moved to strike out the proviso of Mr. Wooten, as adopted on yesterday.

After debate, on motion of Mr. Smith of the 7th District, the further consideration of the bill was postponed until Monday next.

Mr. Merrill moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate in laying on the table, for the present, the bill to incorporate the Atlanta Canal and Water Company.

The motion prevailed, and the bill ordered to its place upon the calendar.

Senators Adams and Hicks were granted leave of absence for a few days.

Mr. Smith of the 36th, chairman from the Committee on the Lunatic Asylum, made the following report :

Mr. President :

The Committee on the Lunatic Asylum, having visited and inspected this institution, instruct me to say that the following appropriations for the year 1869 are recommended :

Salary of Superintendent and Resident Physician.	\$ 2,500
Salary of Treasurer, sub-officers, attendants and servants. . . .	15,000
Support of pauper patients.	60,000
For tin-roofing of center building ; also, same over ventilators on front building and north and south wings, as well as engine house, work shop, wash and gas house.	3,623
For other essential repairs.	1,377
	<hr/>
	\$82,500

W. C. SMITH 36th, Chairman.

On motion the report was taken up and referred to the Finance Committee.

The rule was suspended, and Mr. Wellborn offered the following resolution :

“ Resolved, That the Hon. Charles H. Smith, of Rome, and the Hon. John W. H. Underwood, be invited to seats upon the floor of the Senate during their stay in the city.

Mr. Burns moved to amend by inserting the name of Hon. Z. B. Hargrove.

Mr. Bruton moved to insert the name of C. L. Slaughter, of Brunswick.

On motion the amendments were agreed to, and the resolution, as amended, was adopted.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following resolution :

A resolution asking the Governor to return the "bill entitled an act to incorporate the Commercial Banking Company, of the city of Griffin," passed the Senate on the 30th ultimo, and the House on the 17th instant.

E. I. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has concurred in the Senate's amendment to the following bill of the House :

A bill to provide for the election of Justices of the Peace and Constables throughout the State.

They have also passed the following bills, to wit :

A bill to repeal an act to incorporate the town of McIntosh, in the county of Butts.

Also, a bill authorizing the Ordinary of Greene county to levy an extra tax for county purposes.

Also, a bill for the relief of B. G. Poole, M. A. Hardin and F. M. Ford, of the county of Bartow.

Also, a bill to incorporate the town of Thomaston, in the county of Upson ; to appoint commissioners for the same, and for other purposes.

Also, a bill to change the line between the counties of Cherokee and Pickens.

Also, a bill to change the county line between the counties of Haralson and Polk, so as to include lot of land number 341, 20th district, 3d section, in the county of Haralson.

Also, a bill to amend an act entitled an act to incorporate the town of Forrestville, in the county of Floyd, and the State of Georgia, and to appoint commissioners for the same, and for other purposes, and to extend the corporate limits of said town.

Also, a bill to extend the jurisdiction of Constables in the county of Murray.

Also, a bill to amend an act entitled an act to amend the several acts of force in relation to the incorporation of the town of West Point, in Troup county, and to incorporate the same under the name of the city of West Point, and to provide for the election of a Mayor and four Aldermen, and such other officers as may be required, and center upon them specified powers, and for other purposes therein mentioned.

Also, a bill to amend an act entitled an act to extend the corporate limits of the town of Hamilton, Harris county, and to create and give additional powers to the corporate authority of said town, assented to December 19, 1859.

They have also adopted the following resolution, to wit:

A resolution appointing a committee of two from the Senate and three from the House to appoint a day for adjournment.

A bill to change the corporate limits of the town of Fort Valley, so as to include within said corporate limits all the territory within one mile of the Methodist church of said town.

Also, a bill to amend the several acts incorporating the town of Forsyth, in the county of Monroe, and to extend the power of the commissioners of said town.

Also, a bill to encourage immigration into the State of Georgia and the investment of capital in lands.

Also, a bill changing the time of holding the Superior Courts of the county of Putnam.

Also, a bill to authorize the Ordinary of Towns county to levy an extra tax for the purpose of building a jail.

Also, a bill for the relief of William B. Heptinstall, of Chattooga county.

Also, a bill to amend the several acts incorporating the town of Cartersville.

Also, a bill to change the line between the counties of Macon and Houston, so as to include the residence of Sterling Neil in the county of Houston.

Also, a bill to alter and amend the second section of an act entitled an act to incorporate the town of Morgan, in the county of Calhoun, approved March 5, 1856, and for other purposes.

Also, a bill to authorize improvements to be made on the reserve at Indian Springs, in the county of Butts, and to protect the same from trespass, and for other purposes therein mentioned.

Mr. Higbee, chairman of the Committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following acts, to wit:

An act to change the line between the counties of Irwin and Wilcox.

Also, an act to amend the garnishment law of this State

Also, an act to authorize certain persons therein named to remove obstructions in Gum Swamp Creek, Little Ocmulgee River and their tributaries; to confer certain powers and privileges upon the same, and for other purposes

Also, an act to legalize the election of James Buchanan of Randolph county.

Also, an act to provide for the election of Justices of the Peace and Constables throughout the State.

Also, an act to authorize the Clerks of the Superior Courts of this State to issue executions on judgments obtained in the Inferior and County Courts of this State in cases where the Clerks of said Inferior and County Courts have failed to do so.

Also, an act to create a board of commissioners of roads and revenue in the several counties of this State.

E. I. HIGBEE,
Chairman Committee on Enrollment.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has concurred in the Senate's amendment to the following bill of the House, to wit:

A bill to prohibit and make penal the sale and purchase of agricultural products in the county of Lowndes, after night, by or from tenants by the year, or hired laborers, without written permission from the owner of the land on which the same was raised, or his authorized agent.

They also concurred in the following resolution of the Senate, to wit:

A resolution asking the Governor to return the bill entitled an act to incorporate the Commercial Banking Company, of the city of Griffin, passed the Senate on the 30th ultimo, and the House on the 17th instant.

The following message was received from his Excellency through Mr. Davis, his Secretary, to wit:

Mr. President:

I am directed by the Governor to transmit to the Senate a communication in writing, with accompanying document.

Mr. Higbee, chairman of the Committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following act, to wit:

An act to prohibit and make penal the sale and purchase of agricultural products in the counties of Lowndes and Macon, after night, by and from tenants by the year, or hired laborers, without written permission from the owners of the land on which the same was raised, or his authorized agent.

E. I. HIGBEE,
Chairman Committee on Enrollment.

The Senate then resumed the unfinished business of yesterday, the same being the bill to re-convey property to the

heirs of Samuel Mitchell, and to repeal the act passed in 1859 in regard to said property.

After debate Mr. Nunnally offered the following as a substitute, to wit:

A bill to be entitled an act to declare certain real estate, heretofore conveyed by Samuel Mitchell to the State of Georgia, to be the property of the legal representatives of the said Samuel Mitchell, and to repeal the act passed in 1859 in regard to said property.

AND WHEREAS, the State of Georgia has abandoned the greater part of said five acres of land so conveyed, and having ceased to use it for the purposes intended,

Therefore be it enacted by the General Assembly of Georgia, That all the enclosed ground lying between the Passenger Depot and Decatur street and the lot known as the Atlanta Hotel Lot and Loyd street, which piece of land is known as the Railroad Park, be, and the same is hereby, declared to be the property of the legal representatives of said Mitchell, and they are hereby authorized to enter upon, use, sell and convey the same.

SEC. 2. *Be it further enacted,* That an act passed by the General Assembly of Georgia, and approved November 23, 1859, authorizing the Mayor and Council of the city of Atlanta to take possession of the property in the 1st section of this act mentioned, to be used as a park, be, and the same is hereby, repealed.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this act be, and are hereby, repealed.

After debate Mr. Hinton offered the following as a substitute for the original and the substitute of Mr. Nunnally, to wit:

WHEREAS, Doubts exist in regard to the title to a tract of land in the city of Atlanta, known as the Railroad Park and whereas, the State of Georgia is willing that the right and title to said premises may be made the subject of judicial investigation; and whereas, the State of Georgia cannot be sued without her consent; therefore, be it

Resolved by the Senate and House of Representatives, Tha

the State of Georgia hereby agrees and consents that, in order that the title to said premises may be inquired into, and the rights and titles thereto adjudicated and determined, that the Superintendent of the Western & Atlantic Railroad be, and he is hereby, authorized to represent the interest of this State, and, as the representative of the State, may be sued for the purpose aforesaid; and shall have the power to employ counsel and defend said suit, and the judgment of the court rendered in said case shall be enforced as if said suit was pending between citizens of this State.

Mr. Speer moved that when the Senate adjourns it meet again at 3 o'clock, this P. M., which motion was agreed to.

After debate, on motion of Mr. Holcombe, the Senate adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment and was called to order by the President.

The rule was suspended, and the following bills were introduced and severally read the first time, to wit:

By Mr. Nunnally—

A bill to authorize the settlement of the accounts of the State with Divine, Jones & Lee by the courts.

By Mr. Conley—

A bill to amend the 2741st section of the Code.

By Mr. Harris (chairman of Committee on the Penitentiary)—

A bill to provide for farming out the Penitentiary of the State, and for other purposes.

By Mr. Bowers—

A bill to incorporate the Augusta & Hartwell Railroad Company.

The Senate took up the bill to incorporate the Atlanta Canal and Water Company.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to alter and amend an act entitled an act to incorporate the town of Marthasville, in the county of DeKalb, passed 23d day of December, 1843, and also to enlarge the boundary line of said town, and to incorporate the same under the name of the city of Atlanta; and to change the name of the town of Rome to that of the city of Rome; to provide for the election of Mayor and City Councilmen, and other officers of said cities, and to confer upon them specified powers, and for other purposes herein mentioned.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to amend section 3761 of the Code, and to construe section 3814 of the same.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do not pass.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to remove obstructions from Bluff Creek, in the county of Pulaski, and Cedar Creek and Foalson Creek, in the county of Wilcox, and for other purposes therein mentioned.

The Committee on Agriculture and Manufactures, to whom this bill was referred, reported adversely to its passage.

On motion the bill was laid on the table for the present.

The Senate took up from the table the bill to amend an act to define the qualification of voters at the election to be held in the city of Columbus for Mayor and Aldermen, &c.

The Judiciary Committee, to whom this bill was refer-

red, reported the same back with the recommendation that it do pass.

On motion the blank in section fourth was filled with the words "first Saturday in April."

The report of the committee was agreed to. The bill was read the third time and passed.

On motion the Secretary was directed to transmit the bill forthwith to the House of Representatives.

The Senate took up, as the report of the Committee of the Whole, the bill of the House to extend aid, and lend the credit of the State of Georgia, to the Memphis Branch Railroad Company, and to amend the charter of the same.

After debate the question was put upon the passage of the bill; whereupon the yeas and nays were required to be recorded, and are yeas 22, nays 12.

Those voting in the affirmative are—

Messrs. Adams, Adkins, Bowers, Bruton, Burns, Colman, Corbitt, Dickey, Fain, Gignilliat, Griffin 6th, Jones, McArthur, McWhorter, Nesbitt, Sherman, Smith 7th, Smith 36th, Speer, Stringer, Wellborn, Welch.

Those voting in the negative are—

Messrs. Anderson, Candler, Collier, Griffin 21st, Harris, Hinton, Holcombe, Jordan, Lester, Merrill, Nunnally, Winn.

So the bill was passed.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit:

Mr. President:

The Governor has approved and signed the following resolution, to wit: .

"A resolution asking the Governor to return the bill entitled an act to incorporate the Commercial Banking Company, of the city of Griffin, passed the Senate on the 30th ultimo, and the House on the 17th instant.

The Senate took up, as the report of the Committee of the Whole, the bill to loan the credit of the State to the Dalton & Morgantown Railroad Company, and for other purposes.

After debate Mr. Holcombe proposed the following amendment, to wit :

“ Be it further enacted, That State aid be granted to any and every road running from any road now in running order to any county town in this State.”

The question was put upon the amendment of Mr. Holcombe, which was lost.

The question was then put upon the passage of the bill ; whereupon the yeas and nays were required to be recorded, and are yeas 13, nays 16.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Bruton, Burns, Dickey, Fain, Jones, Sherman, Smith 7th, Smith 36th, Speer, Stringer, Wellborn.

Those voting in the negative are—

Messrs. Anderson, Candler, Collier, Griffin 6th, Griffin 21st, Hinton, Holcombe, Jordan, Lester, Merrill, McArthur, McWhorter, Nesbitt, Nunnally, Welch, Winn.

So the bill was lost.

The Senate took up the bill to amend the second section of an act, approved December 15, 1866, entitled an act to give landlords a lien upon the crops of tenants for stock, farming utensils, &c., and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass with the following amendment, to wit :

Insert the word “stock” before the word “provisions” in the 6th line. Strike out all after the word “not” in the fifteenth line of the first section, and insert the following: “And laborers’ liens for labor done in making said crops, which laborers’ lien shall be of equal dignity with the liens herein provided ; provided, said liens shall not exist unless the contract creating the same shall be in writing.”

Mr. Nunnally proposed the following amendment, to-wit :

“SEC. 3. And be it further enacted, That any person who, after executing such lien, shall sell any of the products so

mortgaged without the consent of the persons holding said lien, shall be guilty of a misdemeanor, and, if found guilty, shall be fined in a sum double the amount of the property sold, or imprisoned in the jail of the county for thirty days."

The question was put upon the amendment of Mr. Nunnally, which was agreed to.

The report of the committee, as amended, was agreed to. The bill, as amended, was read the third time and passed.

The Senate took up the bill to alter and amend an act to organize a Criminal Court for each county of this State.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to change the line between the counties of Twiggs and Wilkinson, so as to include the lands and residence of Andrew Floyd, of Wilkinson county, and the lands of W. H. Stokes, of said county, to the county of Twiggs.

The Committee on New Counties and County Lines, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill for the more efficient preservation of peace and good order on election days in this State.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the resolution declaring all official acts of Justices of the Peace in this State, who were commissioned anterior to the adoption of the Constitution, and who have since acted, as legal and binding.

The Judiciary Committee, to whom this resolution was referred, reported the same back with the recommendation that it do not pass.

The report of the committee was agreed to, and the resolution was lost.

The Senate took up, as the report of the Committee of the Whole, the bill to require the Mayor and Aldermen of the city of Bainbridge to assess the value of the taxable property of said city, and for other purposes therein named.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to fix the compensation of the Legislature, and for other purposes.

The Finance Committee, to whom this bill was referred, reported the same back without recommendation.

After debate Mr. Winn offered the following as a substitute, to wit :

“An act entitled an act to fix a fair and a just compensation for members of the Legislature of Georgia, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Georgia*, That the per diem of the members of the Legislature, until the same shall be hereafter changed by an act of the General Assembly, shall be five dollars, without any additional compensation to the President of the Senate or Speaker of the House.

SEC. 2. *Be it further enacted*, That the per diem of the Secretary of the Senate and the Clerk of the House shall be five dollars, without any extra pay, except their salaries specified in the Code.

SEC. 3. *Be it further enacted*, That in lieu of mileage, now allowed, each member of the Legislature shall have returned to him the money he actually pays out for traveling to and from the seat of government.

SEC. 4. *Be it further enacted*, That all laws militating against this act be, and the same are hereby, repealed.

After debate Mr. Nunnally offered the following amendment, to wit :

"That Senators residing within forty miles be entitled to receive three dollars per day; and those within sixty miles, six dollars per day; and those living over one hundred miles, be entitled to nine dollars per day; and those Senators living on the State Road, and having free passes, be allowed no mileage."

After debate Mr. Speer moved to postpone the bill indefinitely; whereupon the yeas and nays were required to be recorded, and are yeas 15, nays 17.

Those voting in the affirmative are—

Messrs. Adams, Dickey, Griffin 6th, Hinton, Jones, Lester, Merrill, McArthur, McWhorter, Nunnally, Sherman, Speer, Wellborn, Welch, Wooten.

Those voting in the negative are—

Messrs. Adkins, Anderson, Bowers, Bruton, Collier, Corbitt, Fain, Gignilliat, Graham, Griffin 21st, Holcombe, Hungerford, Jordan, Nesbitt, Smith 7th, Smith 36th, Winn.

So the motion to postpone the bill indefinitely was lost.

The question was then put upon the amendment of Mr. Nunnally, which was adopted.

The question then recurred upon the passage of the bill as amended, and the bill, as amended, was passed.

The rule was suspended for the reading of bills the second time.

The following bill of the House was taken up and read the second time and referred to the Finance Committee, to wit:

A bill to levy and collect a tax for the support of the government for the year 1869, and for other purposes.

The following bill of the House was taken up and read the second time and referred to the Judiciary Committee, to wit:

A bill to incorporate St. Marys Lodge of Free and Accepted Masons, and for other purposes.

The following bill of the House was taken up and read the second time and referred to the Committee of the Whole, to wit:

A bill to amend the charter of the town of Sandersville.

The following bill was taken up and read the second time and referred to the Committee on the State of the Republic, to wit :

A bill to amend the Constitution of Georgia by striking out section fifth of article second.

The following bill was taken up and read the second time and referred to the Committee on Internal Improvements, to wit :

A bill to incorporate the Georgia and Alabama Steamboat Company.

The following bills were taken up and read the second time and referred to the Committee of the Whole, to wit :

A bill to incorporate a railroad company to be called the Bainbridge & Chattahoochee Railroad Company.

A bill to authorize W. R. Elder, of the county of Campbell, to peddle without a license.

The following bills were taken up and read the second time and referred to the Committee on the Judiciary, to wit :

A bill to provide for the election of persons to fill vacancies in civil offices in this State where the present incumbents are disqualified under the 3d section of the 14th article of the constitutional amendment of the United States.

A bill to dispose of money arising from fines and forfeitures in the new Criminal Courts of this State.

The rule was further suspended, and the following bills of the House were taken up and severally read the first time, to wit :

A bill to encourage immigration into the State of Georgia, and the investment of capital in lands.

A bill to amend the several acts incorporating the town of Forsyth, in the county of Monroe, and to extend the power of the commissioners of said town.

A bill to authorize the Ordinary of Towns county to levy an extra tax for the purpose of building a jail.

A bill to change the lines between the counties of Cherokee and Pickens.

A bill to exempt from taxation all capital, home and for-

eign, hereafter invested in the manufacture of cotton, wool and other fibrous materials, &c.

A bill authorizing the Ordinary of Greene county to levy an extra tax for county purposes.

A bill to change the corporate limits of the town of Fort Valley, so as to include within said corporate limits all the territory within one mile of the Methodist church of said town.

A bill to amend an act entitled an act to amend the several acts of force in relation to the incorporation of the town of West Point, in Troup county, and to incorporate the same under the name of the city of West Point, and to provide for the election of a Mayor and four Aldermen, and such other officers as may be required, and center upon them specific powers, and for other purposes therein mentioned.

A bill to repeal an act to incorporate the town of McIntosh, in the county of Butts.

A bill changing the time of holding the Superior Courts in the county of Putnam.

A bill to change the line between the counties of Macon and Houston, so as to include the residence of Sterling Neil in the county of Houston.

A bill for the relief of William B. Heptinstall, of Chattooga county.

A bill to incorporate the town of Thomaston, in the county of Upson; to appoint commissioners for the same, and for other purposes.

A bill for the relief of B. G. Poole, M. A. Hardin and F. M. Ford, of the county of Bartow.

A bill to amend an act entitled an act to incorporate the town of Forrestville, in the county of Floyd, and the State of Georgia, and to appoint commissioners for the same, and for other purposes, and to extend the corporate limits of said town.

A bill to change the county line between the counties of Haralson and Polk, so as to include lot of land number 341, 20th district, 3d section, in the county of Haralson.

A bill to authorize improvements to be made on the re-

serve at the Indian Spring, in the county of Butts, and to protect the same from trespass, and for other purposes therein mentioned.

A bill to amend an act entitled an act to extend the corporate limits of the town of Hamilton, Harris county, and to create and give additional powers to the corporate authorities of said town, assented to December 19, 1859.

A bill to alter and amend the second section of an act entitled an act to incorporate the town of Morgan, in the county of Calhoun, approved March 5, 1856, and for other purposes.

A bill to extend the jurisdiction of Constables in the county of Murray.

A bill to amend the several acts incorporating the town of Cartersville.

On motion of Mr. Adkins the Senate adjourned until tomorrow morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,
Saturday, February 27, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Smith, Honorable Senator from the 7th District.

The roll was called and the Journal of the previous day was read and approved.

Mr. Holcombe moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House to extend the aid and lend the credit of the State of Georgia to the Memphis Branch Railroad Company, and to amend the charter of the same.

After debate Mr. Burns moved to lay the motion on the table, which was agreed to.

Mr. Holcombe, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to fix a fair and just compensation for members of the Legislature of Georgia, and for other purposes.

After debate Mr. Speer called for the previous question, which being sustained, the main question was put upon the motion to reconsider, which motion prevailed.

Mr. Speer then offered the following as a substitute for the whole, to wit :

"Be it enacted by the General Assembly, That from and immediately after the passage of this act the compensation of members, officers and clerks shall not exceed nine dollars each per day, and five dollars for every twenty miles in going and returning as mileage to members ; provided, that nothing herein contained shall be so construed as to force any member, officer or clerk to draw such an amount, as compensation and mileage, from the treasury, but they may draw such an amount as they may deem proper from nine dollars per day down to nothing, and the Treasurer is hereby ordered, immediately after the adjournment of the General Assembly, to publish, in one of the daily papers in the cities of Atlanta, Augusta, Macon and Savannah, the amount of per diem and mileage paid to each member and officer of the General Assembly."

Mr. Anderson offered the following as an amendment to the substitute of Mr. Speer, to wit :

"Be it enacted by the General Assembly, That the per diem of members shall be, from and after this date, seven dollars per day, and the usual mileage."

After debate Mr. Nunnally moved to lay the whole upon the table ; whereupon the yeas and nays were required to be recorded, and are yeas 21, nays 15.

Those voting in the affirmative are—

Messrs. Brock, Burns, Colman, Fain, Gignilliat, Griffin 6th, Higbee, Hinton, Hungerford, Jones, Jordan, Lester, McArthur, McWhorter, Nunnally, Richardson, Sherman, Speer, Wellborn, Welch, Wooten.

Those voting in the negative are—

Messrs. Adkins, Anderson, Bowers, Bruton, Candler, Collier, Corbitt, Dickey, Graham, Holcombe, Merrill, Nesbitt, Smith 7th, Smith 36th, Winn.

So the bill, with the substitute and amendment, was laid upon the table.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following bills, to wit:

A bill to enable John Shaffield to peddle in the county of Camden without license.

Also, a bill to authorize the Tax Collectors of Pickens and Henry counties to receive, in payment of county taxes, jury certificates for jury duty rendered in 1868 and 1869.

Also, a bill to compel the Justices of the Peace and Notaries Public in the 41st district, G. M., in Tatnall county, to hold courts at Reidsville, in said county.

Also, a bill to authorize the Principal Keeper of the Georgia Penitentiary to appoint subordinate officers of said institution.

Also, a bill to carry into effect the 14th section of the 5th article of the Constitution of Georgia.

Also, a bill to authorize Battie H. Mitchell and J. W. Davis to peddle in Coweta county without license.

Also, a bill to authorize the Ordinary of Talbot county to levy a tax to pay annual current expenses of said county of Talbot.

Also, a bill to incorporate the town of Montezuma, in the county of Macon.

Also, a bill to amend an act entitled an act to incorporate the village of Cave Spring, in the county of Floyd, and for other purposes.

Also, a bill to incorporate the Berne Planting, Manufacturing and Fruit Growing Company, in Camden county, Georgia.

Also, they have passed the following bills of the Senate, to wit:

A bill to incorporate a town to be called Parkersville.

Also, a bill to amend an act to incorporate the town of Hartwell, in the county of Hart, approved February 26, 1856.

They have also adopted the following resolution, to wit:
A resolution appointing the Hon. Samuel McComb, of Baldwin county, to take charge of the public property at Milledgeville.

Mr. Holcombe, chairman of the Committee on Agriculture and Manufactures, made the following report:

Mr. President:

The Committee on Agriculture and Manufactures have had the following bill under consideration, to wit:

A bill to be entitled an act to repeal an act entitled an act to authorize the board of commissioners of the public roads for the county of Glynn to appropriate hands to work on Honey Gall Creek, and to establish a public landing at the bluff, and appoint commissioners for the same, which the committee recommend do pass.

A. W. HOLCOMBE, Chairman.

The following communication was received from his Excellency the Governor through his Secretary, Mr. Davis, to wit:

EXECUTIVE DEPARTMENT,
ATLANTA, GA., February 26, 1869.

To the Senate:

I have the honor, in accordance with a joint resolution of the General Assembly, to return to the Senate for correction "an act to incorporate the Commercial Banking Company, of the city of Griffin," in the transcription of which an error was committed.

RUFUS B. BULLOCK, Governor.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following bills, to wit:

A bill to amend the charter of the "Georgia Home Insurance Company," of Columbus, Georgia, passed December 12, 1869.

Also, a bill to authorize deputy county surveyors to lay off homesteads, and for other purposes.

Also, a bill to incorporate the Albany & Columbus Railroad, and granting privileges to the same.

Also, a bill to provide for and authorize an election of Mayor and Aldermen, Clerk of City Council and Marshal of the city of Milledgeville.

Also, a bill to incorporate Homersville, in the county of Clinch, and to appoint commissioners for the same, and for other purposes therein mentioned.

Also, a bill to legalize all the official acts of Joseph T. Harrison, late deputy clerk of the Superior Court of Jackson county.

Also, a bill to amend the charter of the Columbus Hamilton Railroad, assented to February 20, 1854.

Also, a bill to amend an act to provide for the payment of costs due Sheriffs and Clerks in insolvent cases in Thomas county.

Also, a bill to authorize the several Ordinaries of the State to receive from the securities of any Tax Collector in default and insolvent, county orders of the county for any sum the Tax Collector may be in default.

Mr. Wellborn, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to loan the credit of the State to the Dalton & Morgantown Railroad Company, and for other purposes.

After debate Mr. Hungerford called for the previous question, which being sustained, the main question was ordered upon the motion to reconsider, which motion prevailed.

The question was then put upon the passage of the bill whereupon the yeas and nays were required to be recorded and are yeas 20, nays 13.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Brock, Bruton, Burns, Colman, Corbitt, Dickey, Fain, Gignilliat, Griffin 6th, Hungerford

ones, Merrill, McArthur, Nesbitt, Sherman, Smith 36th, peer, Wellborn.

Those voting in the negative are—

Messrs. Anderson, Candler, Collier, Graham, Higbee, Linton, Holcombe, Jordan, Lester, McWhorter, Smith 7th, Welch, Winn.

So the bill was passed.

Senators Griffin of the 21st District and Stringer were granted leave of absence for a few days.

The Senate took up from the table the bill to declare the buying or selling of cotton in the seed unlawful, and any person or persons buying the same guilty of a misdemeanor, and to prescribe the punishment for the offense.

On motion the bill was recommitted to the Judiciary committee.

The Senate took up the bill (which had been returned by his Excellency the Governor in compliance with a resolution,) the same being the bill to incorporate the Commercial Banking Company, in the city of Griffin.

Mr. Nunnally proposed the following amendment, to wit:

Strike out all in section second after the word "establish," and insert the following in lieu thereof, to wit:

"And the individual property of the stockholder, at the time of suit, shall be liable for the ultimate payment of the debts of the company in proportion to the amount of stock owned by each stockholder."

On motion the amendment was agreed to; and upon the question, "shall this bill, as amended, now pass," a constitutional majority being required to pass the same, the yeas and nays were required to be recorded, and are yeas 29, nays 1.

Those voting in the affirmative are—

Messrs. Adkins, Anderson, Bowers, Brock, Bruton, Colman, Collier, Corbitt, Dickey, Fain, Gignilliat, Graham, Griffin 5th, Hinton, Holcombe, Hungerford, Jones, Jordan, Lester, Merrill, McArthur, Nesbitt, Nunnally, Sherman, Smith 7th, Smith 36th, Speer, Welch, Wooten.

Those voting in the negative are—

Mr. Winn.

So the bill, as amended, was passed by a constitutional majority.

On motion of Mr. Nunnally the Secretary was directed to transmit the foregoing bill forthwith to the House of Representatives.

Mr. Holcombe moved to postpone the consideration of the unfinished business of yesterday to Monday next, which was not agreed to.

The Senate then resumed the unfinished business, the same being the bill to re-convey property to the heirs of Samuel Mitchell, &c., pending the consideration of which the hour having arrived, the President declared the Senate adjourned until Monday morning at 10 o'clock, Mr. Candler having the floor.

SENATE CHAMBER, ATLANTA, GA.,

Monday, March 1, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Hinton, Honorable Senator from the 24th District.

The roll was called and the Journal of Saturday was read and approved.

The rule was suspended, and Mr. Speer offered the following resolution, which was taken up, read and adopted to wit:

Resolved, That a seat upon the floor of the Senate be tendered to Governor William H. Smith, of Alabama, during his stay in the city.

Mr. Winn, chairman of the Committee on Education made the following report :

Mr. President :

The committee, to whom was referred a bill to be entitled an act to provide for the payment and distribution of the poll tax of this State, have had the same under consideration, and recommend it do pass, provided the fifth section be stricken out.

Also, a bill to be entitled an act to repeal section 1st of article 6 of the Constitution of the State of Georgia, which they report back without recommendation.

Also, a bill to be entitled an act to establish a fund and organize a common school system, recommend be laid upon the table.

Also, a petition from J. H. Campbell, asking an appropriation, &c., report back without recommendation, for the reason that the same subject has been acted upon during the present session.

(Signed)

W T. WINN, Chairman.

Mr. Higbee, chairman of the Committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following acts, to wit :

An act to define the boundary line between the counties of Clay and Quitman.

Also, an act to amend an act to incorporate the town of Jonesboro', in the county of Clayton, and an act amendatory thereof.

Also, an act authorizing the Treasurers of White and Habersham counties to receive jury certificates for all dues to said counties.

E. I. HIGBEE,

Chairman Committee on Enrollment.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bills, to wit :

A bill for the relief of A. J. Bankston, of the county of Catoosa, and Daniel Landers, Ezekiel Mathews and Young Johnson, of the county of Crawford.

Also, a bill to incorporate the Etowah Canal and Water Works Company.

Also, a bill to allow William J. Wilcox, of the county of

Coffee, and Willis R. Ivey, of the county of Habersham, to peddle without paying license in their respective counties.

Also, a bill to amend the 129th section of Irwin's Revised Code, and to require the Governor to issue commissions to all public officers upon their taking the oath in said section, as amended—the oath of office and the performance of such other acts as such officers are now required by law.

Also, a bill to provide for farming out penitentiary convicts, and to protect those farmed out from inhuman treatment.

Also, a bill for the relief of maimed soldiers and officers belonging to certain military organizations, who were citizens of this State on the 12th day of December, 1866, and who have not been supplied with an artificial limb or its equivalent in money.

Also, a bill to amend an act entitled an act to organize a Criminal Court for each county in this State.

Also, a bill to compel the Ordinary of Tatnall county to keep his office in Reidsville, Tatnall county.

They have also passed the following Senate bills, to wit:

A bill to incorporate the Columbus & West Point Railroad Company.

Also, a bill to incorporate the Georgia Male and Female Mutual Life Insurance Company.

Mr. Holcombe, chairman of the Committee on Agriculture and Manufactures, made the following report:

Mr. President:

Your committee have had under consideration a bill to be entitled an act to incorporate the Savannah Manufacturing Company, and to grant to it certain rights and privileges, which they recommend do pass with the following amendment:

“Insert in the 24th line of the 2d section, after the word “the,” unpaid.”

(Signed)

A. W. HOLCOMBE, Chairman.

Mr. Higbee, chairman of the Committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following acts, to-wit:

An act to alter and amend an act entitled an act to amend an act entitled an act to incorporate the town of Marthasville, in the county of DeKalb, passed 23d day of December, 1843, and also to enlarge the boundary lines of said town, and to incorporate the same under the name of the city of Atlanta; and to change the name of the town of Rome to that of the city of Rome; to provide for the election of Mayor and Councilmen, and other officers of said cities, and to confer upon them specified powers, and for other purposes herein mentioned.

Also, an act to change the time of holding the Superior Courts of the Southern Circuit, and to draw and summon separate panels of jurors for each week of said courts in the counties of Thomas, Brooks and other counties.

Also, an act to extend aid and lend the credit of the State of Georgia to the Memphis Branch Railroad Company, and to amend the charter of the same.

E. I. HIGBEE,

Chairman Committee on Enrollment.

The following bills were introduced and severally read the first time, to wit:

By Mr. Nunnally—

A bill to provide a more speedy mode for enforcing liens in certain cases.

Also, a bill to amend an act incorporating the Savannah, Griffin & North Alabama Railroad Company, and for other purposes.

By Mr. Hungerford—

A bill to incorporate the Atlanta Saving Bank.

By Mr. McArthur—

A bill to define the meaning of the term "wild and unimproved lands," &c.

By Mr. Smith of the 36th District—

A bill to fix the salaries of members of the General Assembly.

By Mr. Candler—

A bill to amend section 3763 of the Code of Georgia.

Also, a bill to change the line between the counties of Gwinnet and DeKalb, so as to include in DeKalb county the land and residence of Lidwell B. Wormack.

Also, a bill for the relief of defaulting tax-payers for the year 1868, and for other purposes.

Also, a bill to require the Secretary of State to keep a recorded list showing the number and title of all original acts of the General Assembly deposited in his office, and to provide a penalty for permitting such acts to be taken from his office or to keep the list required.

By Mr. McWhorter—

A bill to empower the Judges of the Superior Courts of this State to confine in the cells of the Penitentiary, when they may deem it necessary for security, any prisoner committed to jail in their respective circuits for crime.

By Mr. Winn—

A bill to change and fix the time of holding the Superior Court of Paulding county.

By Mr. Wooten—

A bill to amend the charter of the town of Athens, and various acts amendatory thereof.

By Mr. Griffin of the 6th District—

A bill to authorize the Ordinary of Lowndes county to issue scrip for the purpose of raising funds to pay for the building of a court-house.

By Mr. Colman—

A bill to amend the several acts incorporating the city of Brunswick.

Mr. Wellborn, from the special committee in relation to clerical force of the Senate, submitted the following:

Mr. President:

The special committee, to whom was referred the question of excess in the number of employees in the clerical department of the Senate, beg leave to report that they

have had the question under consideration, and in considering whether the appointments heretofore made by the Secretary were authorized by the Senate, we have had occasion to refer to the resolutions of the Senate bearing on this question, one of which is in the following language, to wit :

"Resolved, That the report of the Committee on Enrollment, in relation to the clerical force of the Secretary, be adopted, on condition, however, that the Secretary may from time to time employ such additional clerks as the exigencies of his department may require, subject to the approval of the Senate."

A few days after we find that the Senate passed the following additional resolution, to wit :

"Resolved, That the Senate approves the appointment of clerks by the Secretary of the Senate made under the provisions of the resolutions passed by the Senate on the 25th instant."

From these resolutions it appears to your committee that, although the Secretary may have strained the discretionary power with which he was clothed, he has nevertheless not acted without authority. We are of the opinion that, at the time of the adoption of the confirmatory resolution, the Senate was not aware of the number thereby confirmed, and that the number was probably greater than actual necessity required at that stage of the session.

After carefully considering the probable amount of labor to be performed for the remainder of the session, we are clearly of opinion that no considerable reduction of the number of clerks can now be made without retarding the business of the Senate. Unwilling to delay business under an apparent effort at economy, and anxious to avoid both meanness and extravagance, your committee would recommend that the Secretary discharge as many as five of the present clerical corps, if he finds it possible to do so without retarding business.

It may be proper for your committee to remark that, had this question been referred to them at an earlier stage of the session, they would have felt authorized to have recom-

mended a larger reduction, but your committee cannot ignore the fact that the clerical labor is greatly augmented as the sessions approximate a close, and they find this especially true at the present. Your committee also feel that it is due to the Secretary, as well as to the Senate, to say that, in looking back to the practice of former legislative bodies in Georgia, the number of clerks now employed in the Senate is not unprecedented and has occasionally been exceeded. We will cite one instance: By reference to Comptroller General's Report for 1861, page 75, we find that twenty-seven clerks were employed in the Senate and thirty-six in the House.

All of which is respectfully submitted.

C. J. WELLBORN, Chairman.

On motion the report was laid on the table for the present.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit:

Mr. President:

I am directed by the Governor to deliver to the Senate a communication in writing.

On motion the message was taken up and read as follows:

EXECUTIVE DEPARTMENT,
ATLANTA, GEORGIA, March 1, 1869.

To the General Assembly:

His Honor Mayor Hulsey, in behalf of himself and the City Council of Atlanta, has presented to me the following resolution, adopted by that body on the 26th February ultimo, and presented to the House of Representatives on the 27th:

To the General Assembly of Georgia:

The City Council of Atlanta beg leave to represent to your honorable body that the contract entered into by the city to furnish buildings to the State for legislative purposes, and a mansion for the Executive, seemed to admit

of but *one* construction, but as some controversy has arisen in regard thereto in both Houses of the General Assembly, and as no solution has been reached, and as it is the impression of this Council that the city of Atlanta stands in a false light in the minds of some members of your honorable body, and the State at large, it is the earnest desire of the representatives of the city that an early adjustment of the matter should be had. We, therefore, request that a joint committee from your honorable body be appointed, whose duty it shall become to confer with the City Council of Atlanta, to the end that a full, fair and frank investigation of the matter in dispute may be had. And the City Council of Atlanta, on the part of the city, hereby bind themselves to abide the decision which may be arrived at by the proposed conference.

W. H. HULSEY, Mayor,
AND CITY COUNCIL.

Attest: REUBEN ARNOLD, City Attorney.

I am also advised by his Honor the Mayor that a resolution providing for the appointment of a committee, as asked for by the Honorable Mayor and Council, was laid upon the table in the House of Representatives by a vote of that body.

I embrace this occasion to communicate with your honorable body upon a subject which has received much comment in the House of Representatives, and which has been made the cause of very considerable and unscrupulous clamor by many of the newspapers throughout the State.

It is very sincerely regretted that the State Treasurer should have made the information, which was conveyed to him by my special direction, concerning certain amounts which had been drawn by me from a bank in New York city—a pretext for clandestinely absenting himself from his official position and duties, and lending himself to, or engaging with others in, a malicious attempt to discredit and dishonor my personal and official character, for the purpose, as by himself admitted, of forwarding a partisan political movement in opposition to myself, and for the defeat

f public measures looking to the re-establishment of military government, which were falsely asserted as being avowed by me.

The subsequent action of the Treasurer, in refusing to comply with an Executive order requiring that his report in response to a resolution of the House of Representatives, should be transmitted to that body through the Executive office, has still further delayed official communication between myself and the General Assembly upon this subject, and I now only embrace this opportunity, out of deference to the public expression of a desire on the part of the city government of Atlanta, to ascertain, with a view to complying with the wishes of the State Government, in connection with the fulfillment of the obligations voluntarily incurred by that city at the time of the adoption of that section of our Constitution which locates the capital at this point. The House of Representatives has already been advised, through my communications in response to the interrogatories submitted by the Finance Committee and reported by that committee to the House, that thirty-nine thousand dollars had been expended to secure the heating, lighting and furnishing of the legislative halls and public offices. For the reasons heretofore referred to, the unwarrantable action of the Treasurer, and the apparent disposition on the part of the House of Representatives to sustain him in that action, and in his maintaining a position of hostility to, and defiance of, the Executive, I have been restrained from making official communication or recommendation to your honorable body upon this subject at an earlier date.

It is now, and has always been, my opinion that the city of Atlanta is bound, in good faith, to furnish suitable and efficient accommodations for all the purposes of State government at this place for ten years free of any expense to the State. That such was the understanding by the constitutional Convention at the time of the adoption of that section which locates the capital, I think there can be no doubt. In fact, at the time that the section referred to was offered by Honorable James L. Dunning, of Fulton

for the action of the Convention, it was apparent that a large majority of the Convention would vote in the affirmative; and those who were opposing the measure asked, in order to delay final action, that a committee of the Convention be appointed for the purpose of having specifications and a definite agreement with the city authorities drawn up in writing. But so complete was the confidence which the Convention reposed in the liberality and good faith of the city and citizens of Atlanta, that the section was adopted without entertaining that motion or the requirement of written obligations. It was not intended nor expected that any portion of the furniture or property of the State, then at Milledgeville, should be removed or used here. Nor would such removal have taken place had it not been permitted by order of his Excellency Provisional Governor Ruger. It was intended that the governmental establishments at Milledgeville should remain intact and ready for use in case of the failure or inability on the part of the city authorities of Atlanta to provide suitable and sufficient accommodations, or to have them prepared in time for the first session of the General Assembly, or in case such other emergency should arise as might require an adjournment to Milledgeville. At the last session of your honorable body a contract, with specifications, was accepted by resolutions of the Senate and House which were not presented for Executive approval. By the adoption of these resolutions it was assumed by the then city authorities that the city of Atlanta had complied with that part of her agreement which relates to the State House and officers. It is believed, however, that in the adoption of these resolutions many members, perhaps a majority, were under the impression that the contract and specification covered all that would be suitable and sufficient for the purposes of the State. It was subsequently ascertained that this agreement did not include a sufficient number of rooms for the proper accommodation of the principal State House officers, namely, the Treasurer, Comptroller General and Secretary of State, and for storage and rooms for their accommodation were rented on the first floor of the build-

ing, and for storage in the basement. It was also ascertained that a literal construction of the written agreement which had been accepted by the General Assembly, and that the construction placed upon it by the then city authorities did not require the city to provide for the suitable heating, lighting and furnishing, and upon this state of facts I decided to exercise the general authority and perform the duty vested in and imposed upon the Executive by the 64th section of the Code, provided I could obtain means for the purpose by negotiating a loan and thereby avoid drawing a warrant on the treasury in the absence of a specific appropriation.

I accordingly made arrangements whereby money was obtained from the Fourth National Bank of the city of New York. I stated to the President of the bank at that time the purpose for which I desired the money. I then entered into an arrangement with the Messrs. Kimball, which they were to provide all the necessary apparatus for heating, lighting and furnishing of a proper kind and quality to accord with the character of finish which had been provided for the building by the city, and on account of which I was to advance a sum not to exceed seventy-five per cent. of the cost of such additions, provided the entire arrangement should be completed, and in proper order at the meeting of the General Assembly on the 13th of January, it being understood the making of this advance should in no way prejudice unfavorably the claim of the State upon the city for the payment for said heating, lighting and furnishing. Under this arrangement thirty-one thousand dollars has been paid, the balance of the thirty-five thousand dollars drawn being in cash and cash vouchers in possession.

Attention, in this connection, is respectfully called to my communication on this subject in response to the request of the Finance Committee of the House of Representatives.

Had I failed to take such steps as would insure the completion of suitable accommodations in time for the regu-

session of your honorable body, I should have been clearly derelict in the performance of my official duties. The use, on my part, of the public money and the public credit for the general welfare of the State, and for public purposes, is fully sustained by a long line of precedents running through the records of the Executive office, in almost every administration, for nearly a century, and it cannot be successfully argued that the peculiar relations existing between the State and the building now occupied as a capital would make it improper, for me to regard it as public property. The Legislature had adjourned to meet at Atlanta; the seat of government was constitutionally fixed at this point; the Legislature could not assemble elsewhere; they had adopted this building as the one in which to hold their session, as well as for the location of the offices of the State government; and it was, therefore, to all intents and purposes, of that character which required the general supervision of the Executive, and made it his duty to see that it was in a proper state of preparation for the uses and purposes of the State.

Had there been any doubt resting upon my mind of the legality and propriety of the course which I had decided to pursue, under the general provision of the law heretofore referred to, and under which my predecessors had acted, such doubt would have been removed by a proper consideration of the act passed at your last session, which authorized the Executive to "effect a loan to the State, by bonds or otherwise, upon such terms as shall seem meet, of a sufficient amount of money to pay off the members and officers and other expenses of this General Assembly."

This, together with the fact that "this General Assembly" having accepted the building in which it is now sitting, and adjourned to meet therein, whatever became necessary to place the building in suitable and appropriate order for the reception of the Legislature, and for the public offices, would, by a fairly-implied construction, be one of "the other expenses of the General Assembly," as, in law, both sessions formed but one "General Assembly."

To have called a special session for the consideration of

this matter, or to have left the building unprepared, and thereby caused very considerable delay in its preparation, under the order of the General Assembly after it had convened, would have involved the State in vastly more expense than would be incurred even by an appropriation of an amount sufficient to cover the entire expense. But as the city is, by the implied condition voluntarily proposed by herself to the Constitutional Convention, bound in good faith to save the State, for ten years, from any expense for suitable and sufficient accommodations for the purposes of the State government, and is, I believe, now willing to fully and liberally execute her part of the agreement, it does not become necessary to consider the pecuniary advantages or disadvantages of the course which I have pursued.

I would, therefore, respectfully and earnestly recommend that your honorable body accede to the request made by the city authorities, and that a joint committee from the Senate and House be appointed to confer with his Honor Mayor Hulsey and the City Council of Atlanta, to the end that a full, fair and frank investigation and adjustment of the matter may be had.

RUFUS B. BULLOCK, Governor.

Mr. Nunnally then offered the following resolution, to wit:

Resolved, That a committee of four from the Senate and six from the House of Representatives be appointed, as requested by the Mayor of the city of Atlanta in his petition, and, as recommended by the Governor, to take into consideration the contract made by the State with the City Council of Atlanta in regard to the capitol building.

Mr. Merrill moved, as an amendment, that one hundred copies of the message be printed for the use of the Senate.

The amendment was accepted by Mr. Nunnally, and the resolution, as amended, was adopted.

The Chair announced as the committee under the foregoing, on the part of the Senate, Messrs. Nunnally, Fain, Smith of the 36th and McArthur.

Mr. Harris moved that when the Senate adjourns it meet

again at three o'clock this P. M., for the purpose of reading bills first, second and third times, which was agreed to.

The Senate then resumed the unfinished business of Saturday, the same being the bill to re-convey property to the heirs of Samuel Mitchell, &c.

Pending action on which, the hour having arrived, the President declared the Senate adjourned until 3 o'clock, P. M.

—
3 O'CLOCK, P. M.

The Senate met pursuant to adjournment and was called to order by the President.

The following bills of the House of Representatives were taken up and severally read the first time, to wit :

A bill for the relief of maimed soldiers and officers belonging to certain military organizations, who were citizens of this State on the 12th day of December, 1866, and who have not been supplied with an artificial limb or its equivalent in money.

A bill for the relief of A. J. Bankston, of the county of Catoosa, and Daniel Landers, Ezekiel Mathews and Young Johnson, of the county of Crawford.

A bill to amend the 129th section of Irwin's Revised Code, and to require the Governor to issue commissions to all public officers upon their taking the oath in said section, as amended—the oath of office—and the performance of such other acts as such officers are now required by law.

A bill to compel the Justices of the Peace and Notaries Public, in the 41st district G. M., in Tatnall county, to hold courts at Reidsville, in said county.

A bill to authorize deputy county surveyors, or city surveyors, to lay off homesteads, and for other purposes.

A bill to authorize the Principal Keeper of the Georgia Penitentiary to appoint subordinate officers of said institution, &c.

A bill to allow William J. Wilcox, of the county of Coffee, and Willis R. Ivey, of the county of Habersham, to peddle without paying license in their respective counties.

A bill to incorporate the town of Montezuma, in the county of Macon.

A bill to authorize the several Ordinaries of this State to receive from the securities of any Tax Collector, in default and insolvent, county orders of the county, for any sum that the Tax Collector may be in default.

A bill to amend the charter of the Columbus & Hamilton Railroad, assented to February 20, 1854.

A bill to incorporate the Etowah Canal and Water Works Company.

A bill to incorporate the Albany & Columbus Railroad, and granting certain privileges to the same.

A bill to provide for and authorize an election of Mayor and Aldermen, Clerk of City Council and Marshal, of the city of Milledgeville.

A bill to provide for farming out penitentiary convicts, and to protect those farmed out from inhuman treatment.

A bill to authorize Battie H. Mitchell and J. W. Davis to peddle in Coweta county without license.

A bill to incorporate the Berne Planting, Manufacturing and Fruit Growing Company, in Camden county, Georgia.

A bill to amend an act entitled an act to incorporate the village of Cave Spring, in the county of Floyd, and for other purposes.

A bill to compel the Ordinary of Tatnall county to keep his office in Reidsville, Tatnall county.

A bill to amend an act to provide for the payment of costs due Sheriffs and Clerks in insolvent cases in Thomas county.

A bill to authorize the Tax Collectors of Pickens and Henry counties to receive, in the payment of county taxes, jury certificates for jury duty rendered in 1868 and 1869.

A bill to carry into effect the 14th section of the 5th article of the Constitution of Georgia.

A bill to enable John Shaffield to peddle in the county of Camden without license.

A bill to authorize the Ordinary of Talbot county to levy a tax to pay annual current expenses of said county of Talbot.

A bill to alter and amend an act entitled an act to organize a Criminal Court for each county in this State.

A bill to legalize all the official acts of Joseph T. Harrison, late deputy clerk of the Superior Court of Jackson county.

A bill to incorporate Homersville, in the county of Clinch, and to appoint commissioners for the same, and for other purposes therein mentioned.

The following bills were introduced and severally read the first time, to wit :

By Mr. Winn—

A bill to repeal section 178 of the Code, and to enact a substitute in lieu thereof.

By Mr. Griffin of the 6th District—

A bill to relieve William Bradford, former Tax Collector of Lowndes county.

By Mr. McCutchen—

A bill to attach the county of Walker to the Cherokee Circuit.

By Mr. Fain—

A bill to encourage the building of mills and manufacturing establishments in this State.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following acts :

An act to incorporate a town to be called Parkerville.

An act to amend an act to incorporate the town of Hartwell, in the county of Hart, approved February 26, 1856.

E. I. HIGBEE, Chairman.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit :

Mr. President :

I am directed by the Governor to deliver to the Senate a

sealed communication, which he respectfully asks to have considered in executive session.

The following House bill was taken up and read the second time and referred to the Committee of the Whole, to wit :

A bill to encourage immigration into the State of Georgia, and the investment of capital in lands.

On motion of Mr. Candler the bill was made the special order for Thursday next, and seventy-five copies ordered to be printed for the use of the Senate.

On motion of Mr. Harris the Senate then went into executive session ; and after remaining sometime therein the doors were thrown open, and it transpired that the Senate had confirmed the following appointments of his Excellency the Governor, to wit :

Hon. C. D. Forsyth, of the county of Paulding, to be Solicitor General of the Rome Circuit, from the 20th day of February ultimo. Hon. W. A. Adams, of the county of Meriwether, to be Solicitor General of the Tallapoosa Circuit for the unexpired term of four years from the 20th day of July last.

Mr. Wellborn, from the Committee on Banks, made the following report, to wit :

Mr. President :

The Committee on Banks, to whom was referred a bill to be entitled an act to incorporate the Central Georgia Banking Company and the Muscogee Banking Company, have had the same under consideration, and recommend that it do pass.

C. J. WELLBORN, Chairman.

The Senate took up the bill of the House to incorporate the Central Georgia Banking Company and the Muscogee Banking Company.

The Committee on Banks, to whom this bill was referred, reported the same back with the recommendation that it do pass ; and upon the question " shall the report of the committee be agreed to, and the bill now pass ? " a consti-

constitutional majority being required to pass the same, the yeas and nays were required to be recorded, and are yeas 28, nays 3.

Those voting in the affirmative are—

Messrs. Adkins, Anderson, Brock, Bruton, Burns, Candler, Collier, Dickey, Fain, Gignilliat, Graham, Griffin 6th, Hinton, Jordan, Lester, Merrill, McArthur, McCutchen, McWhorter, Nesbitt, Nunnally, Richardson, Sherman, Smith 7th, Smith 36th, Wellborn, Welch, Wooten.

Those voting in the negative are—

Messrs. Harris, Holcombe, Winn.

So the bill was passed by a constitutional majority.

On motion the Secretary was directed to transmit the foregoing bill forthwith to the House of Representatives.

Mr. Anderson introduced the following bill, which was taken up and read the first time, to wit:

A bill to amend the 178th section of Irwin's Revised Code, relating to the payment of members of the General Assembly.

The Senate took up from the table the bill of the House to repeal so much of the following act as relates to the counties of Muscogee, Macon and Richmond: "An act to provide for the levying and collection of a tax for the payment of costs due to Clerks and Sheriffs in insolvent criminal cases in certain counties therein mentioned."

Mr. Hinton moved to strike out the proviso as proposed by Mr. Wooten and adopted therein; whereupon the yeas and nays were required to be recorded, and are yeas 13, nays 17.

Those voting in the affirmative are—

Messrs. Anderson, Burns, Candler, Colman, Fain, Gignilliat, Graham, Griffin 6th, Hinton, Holcombe, McCutchen, McWhorter, Winn.

Those voting in the negative are—

Messrs. Adkins, Bowers, Brock, Bruton, Collier, Dickey, Harris, Jordan, Merrill, McArthur, Richardson, Sherman, Smith 7th, Smith 36th, Wellborn, Welch, Wooten.

So the motion to strike out the proviso was lost.

The question was then put upon the passage of the bill as amended, and the bill, as amended, was passed.

On motion of Mr. Hinton the Secretary was directed to transmit the bill forthwith to the House of Representatives.

The Senate took up the bill of the House to incorporate the Savannah Bank and Trust Company, of Savannah.

The Committee on Banks, to whom this bill was referred, reported the same back, with the recommendation that it do pass with the following amendments, to wit:

“Strike out from the nineteenth line of the third section the word “five,” and insert the word “nine” in lieu; and strike out from the middle of the fourteenth line of the ninth section all between the word “acting,” in said fourteenth line; and also strike out the word “and,” in the twenty-first line of said section; also, in the twenty-third line of said section strike out the word “shall,” and insert the word “may,” in lieu thereof; also, strike out the words “or diminish,” after the word “increase,” in the fifth line of the fifth section.”

The report of the committee was agreed to; and upon the question shall this bill, as amended, now pass, a constitutional majority being required to pass the same, the yeas and nays were required to be recorded, and are yeas 27, nays 3.

Those voting in the affirmative are—

Messrs. Adkins, Anderson, Brock, Bruton, Burns, Candler, Colman, Collier, Dickey, Fain, Gignilliat, Graham, Griffin 6th, Hinton, Jordan, Lester, Merrill, McArthur, McCutchen, McWhorter, Nunnally, Richardson, Smith 7th, Smith 36th, Wellborn, Welch, Wooten.

Those voting in the negative are—

Messrs. Bowers, Holcombe, Winn.

So the bill was passed by a constitutional majority.

The Senate took up, as the report of the Committee of the Whole, the bill for the relief of J. R. S. Davis, of Thomas county.

After debate, on motion of Mr. Wooten, the author of the bill was permitted to withdraw the same.

The Senate took up the message of the House on the bill

to incorporate the Georgia Male and Female Mutual Life Insurance Company, to which the House proposed certain amendments.

On motion the amendments, as proposed by the House, were concurred in.

The Senate took up the bill to create a land and immigration bureau for the State of Georgia.

On motion the bill was laid on the table for the present.

The Senate took up the resolution instructing the State Treasurer to pay bonds of the State which matured in July, 1868.

The Finance Committee, to whom this resolution was referred, reported adversely to its adoption.

The report of the committee was agreed to, and the resolution was lost.

The Senate took up the bill to amend an act entitled an act to give landlords liens upon the crops of tenants, and for other purposes, approved March 16, 1866.

The Judiciary Committee, to whom this bill had been re-committed, reported the same back without recommendation.

On motion the bill was laid on the table.

The Senate took up the bill to regulate and define court contracts, &c., approved March 17, 1866.

The Judiciary Committee, to whom this bill had been re-committed, reported the same back with the recommendation that it do not pass.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the resolution providing for the refunding of over-paid taxes by J. F. Strickland, for the State tax of 1866.

On motion the word "interest" was stricken out.

The Finance Committee, to whom this resolution was referred, reported in favor of its adoption.

The report of the committee, as amended, was agreed to, and the resolution, as amended, was adopted.

The Senate took up the bill to establish a fund and organize a common school system.

The Committee on Education, to whom this bill was referred, reported the same back with the recommendation that it lie on the table.

The report of the committee was agreed to, and the bill was laid on the table.

The Senate took up the bill to authorize Ordinaries of the several counties of the State to appoint commissioners to admeasure, lay off and assign dower.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to provide for the election of Justice of the Peace for each militia district.

The Judiciary Committee, to whom this bill was referred, with instructions to inquire and report as to the propriety of an amendment to make valid past elections and acts of Justices of the Peace, reported the same back with the recommendation that it do not pass, as a House bill on the same subject had been reported on.

On motion the bill was laid on the table for the present.

The Senate took up the bill to incorporate the Workingmen's Mutual Relief Association of Georgia.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to change the time of holding the Superior Court in the county of Clayton.

On motion the bill was laid on the table.

The Senate took up the bill to prescribe certain qualifications for Justices of the Peace and Constables of the militia districts embraced within the limits of the city of Savannah, and for other purposes.

The Judiciary Committee, to whom this bill was referred,

reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to protect the lives of citizens of this State.

The Committee on the State of the Republic, to whom this bill was referred, reported the same back without recommendation.

On motion of Mr. Adkins the bill was laid on the table.

The Senate took up the bill of the House to repeal an act entitled an act to authorize the board of commissioners of public roads for the county of Glynn to appropriate hands to work on Honey Gall Creek, and to establish a public landing at the bluff, and appoint commissioners for the same.

The Committee on Agriculture and Manufactures, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The following bill was taken up and read the second time and referred to the Finance Committee, to wit :

A bill to authorize the settlement by the courts of the accounts of the State with Devine, Jones & Lee.

The following bill was taken up and read the second time and referred to the Judiciary Committee, to wit :

A bill to amend the 2741st section of the Code.

The following bill was taken up and read the second time and referred to the Committee on Internal Improvements, to wit :

A bill to incorporate the Augusta & Hartwell Railroad Company.

The following bill was taken up and read the second time and referred to the Committee on the Penitentiary, to wit :

A bill to provide for farming out the Penitentiary of the State, and for other purposes.

The following bills of the House were taken up and read

the second time and referred to the Committee of the Whole, to wit:

A bill changing the time of holding the Superior Courts of the county of Putnam. •

A bill to repeal an act to incorporate the town of McIntosh, in the county of Butts.

A bill to exempt from taxation all capital, home and foreign, hereafter invested in the manufacture of cotton, wool and other fibrous materials, &c.

A bill to change the corporate limits of the town of Fort Valley, so as to include within said corporate limits all the territory within one mile of the Methodist church of said town.

A bill to amend the several acts incorporating the town of Cartersville.

A bill to amend an act entitled an act to incorporate the town of Forrestville, in the county of Floyd, and the State of Georgia, and to appoint commissioners for the same, and for other purposes, and to extend the corporate limits of said town.

A bill to change the line between the counties of Macon and Houston, so as to include the residence of Sterling Neil in the county of Houston.

The following bills of the House were taken up and read the second time and referred to the Finance Committee, to wit:

A bill authorizing the Ordinary of Greene county to levy an extra tax for county purposes.

A bill to authorize the Ordinary of Towns county to levy an extra tax for the purpose of building a jail.

The following bills of the House were taken up and read the second time and referred to the Committee on New Counties and County Lines, to wit:

A bill to change the lines between the counties of Cherokee and Pickens.

A bill to change the county line between the counties of Haralson and Polk, so as to include lot of land number 341, 20th district, 3d section, in the county of Haralson.

The following bills of the House were taken up and read the second time and referred to the Judiciary Committee, to wit:

A bill for the relief of William B. Heptinstall, of Chattooga county.

A bill to amend an act entitled an act to amend the several acts of force in relation to the incorporation of the town of West Point, in Troup county, and to incorporate the same under the name of the city of West Point, and to provide for the election of a Mayor and four Aldermen, and such other officers as may be required, and center upon them specified powers, and for other purposes therein mentioned.

A bill to amend the several acts incorporating the town of Forsyth, in the county of Monroe, and to extend the power of the commissioners of said town.

A bill for the relief of B. G. Poole, M. A. Hardin and F. M. Ford, of the county of Bartow.

A bill to extend the jurisdiction of Constables in the county of Murray.

A bill to alter and amend the second section of an act entitled an act to incorporate the town of Morgan, in the county of Calhoun, approved March 5, 1856, and for other purposes.

A bill to incorporate the town of Thomaston, in the county of Upson; to appoint commissioners for the same, and for other purposes.

A bill to amend an act entitled an act to extend the corporate limits of the town of Hamilton, Harris county, and to create and give additional powers to the corporate authority of said town, assented to December 19, 1859.

A bill to authorize improvements to be made on the reserve at the Indian Spring, in the county of Butts, and to protect the same from trespass, and for other purposes therein mentioned.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Tuesday, March 2, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Griffin, Honorable Senator from the 21st District.

The roll was called and the Journal of the previous day was read and approved.

The Senate took up, as the report of the Committee of the Whole, the bill of the House changing the time of holding the Superior Courts of the county of Putnam.

Mr. Wellborn proposed the following amendment, to wit:

“That the next Superior Court for the county of Towns, in the Blue Ridge Circuit, be held on the fourth Monday in May next, and that thereafter said court be held at the time prescribed by law before the passage of an act changing the time of holding said court, passed at the first session of the General Assembly of 1868.”

On motion the amendment was agreed to.

The question was then put upon the passage of the bill as amended, and the bill, as amended, was passed.

On motion the Secretary was directed to transmit the bill forthwith to the House of Representatives.

On motion the rule was suspended, and Mr. Holcombe offered the following resolution, to wit:

“*Be it resolved by the Senate and House of Representatives, That this General Assembly will adjourn sine die at noon on Friday, the 12th of this instant.*”

Mr. Wellborn moved to refer the resolution to a committee of three from the Senate and such committee as may be appointed by the House, which motion was agreed to.

The Chair announced as the committee under the foregoing, on the part of the Senate, Messrs. Wooten, Holcombe and Jordan.

On motion the rule was suspended, and Mr. Merrill offered the following resolution, which was taken up, read and adopted, to wit:

WHEREAS, Section 1032 of the Code provides that the

Laws and Journals must be delivered to the Executive within ninety days after the manuscripts are received from the compiler ;

AND WHEREAS, more than four months have elapsed since the manuscripts were delivered to the State Printer ;

Resolved, That his Excellency be requested to inform the Senate whether the Laws and Journals of the last session of the General Assembly have been delivered to him, and why they have not been distributed according to law.

The rule was suspended, and Mr. Wooten offered the following resolution, to wit :

“ Resolved, That hereafter no motion for reconsideration shall be entertained at the instance of any Senator voting in the minority.”

After debate the question was put upon the adoption of the same, a two-thirds vote being required ; whereupon the yeas and nays were required to be recorded, and are yeas 18, nays 17.

Those voting in the affirmative are—

Messrs. Anderson, Brock, Bruton, Candler, Collier, Gignilliat, Graham, Griffin 6th, Hinton, Holcombe, Jordan, Lester, Merrill, McCutchen, Speer, Wellborn, Winn and Wooten.

Those voting in the negative are—

Messrs. Adkins, Bowers, Colman, Corbitt, Dickey, Fain, Griffin 21st, Harris, Higbee, Hungerford, McWhorter, Nunnally, Sherman, Smith 7th, Smith 36th, Stringer and Welch.

A two-thirds majority not being obtained, as required under the rule, the resolution was lost.

Mr. Harris, from the Committee on the Penitentiary, made the following report :

Mr. President :

The Committee on the Penitentiary, to whom was referred “ a bill to be entitled an act to authorize the Governor to make contracts with the various railroad companies to which the State extended its aid at the last session of its Legislature by providing for the endorsement of their

bonds, to employ upon said roads a certain class of convicts now confined in the Penitentiary of this State, &c.," have had the same under consideration, and recommend that it do not pass.

Also, "a bill to be entitled an act to provide for farming out the Penitentiary of the State, and for other purposes," which they recommend do pass.

JOHN HARRIS, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President

The House of Representatives has passed the following bills, to wit:

A bill to change the line between the counties of Spalding and Henry, so as to add lot No. 20, in the 3d district of Henry, to Spalding.

Also, a bill to authorize the town commissioners of the town of Spring Place, Murray county, to issue license for the retail of ardent spirits, and for other purposes.

Also, a bill to authorize the Court of Ordinary of Glynn county to levy a tax on the State tax for county purposes.

Also, a bill to change the lines between the counties of Meriwether and Coweta.

Also, a bill to change the lines between the counties of Cobb and Paulding, in this State.

Also, a bill to incorporate the Georgia Methodist Mutual Life Insurance Company.

Also, a bill to amend an act entitled an act to enlarge the boundaries of the town of LaGrange, and for other purposes, approved March 3, 1856.

Also, a bill to authorize the election of ten commissioners for the county of Bibb, defining their duty, and to empower the Ordinary to issue county bonds to drain the Macon reserve.

Also, a bill for the relief of John V Price, William Pilcher and Robert C. Black, as securities on the bond of Samuel Dawson, deceased, late Sheriff of Sumter county.

Also, a bill to allow T. B. Thompson to peddle without license.

Also, a bill for the relief of William B. Heptinstall, of the county of Chattooga.

Also, a bill for the relief of Fairman F. Tabor and his wife, Louisa Jane Tabor, formerly Louisa Jane Patch.

Also, a bill to change the line between the counties of Clinch and Coffee.

They have also concurred in the Senate's amendment to the following bill of the House, to wit:

A bill to incorporate the Savannah Bank and Trust Company, of Savannah.

They have also concurred in the following bills of the Senate, to wit:

A bill to incorporate the "Independent Telegraph Company," and for other purposes connected therewith.

Also, a bill to incorporate the Commercial Banking Company, of the city of Griffin.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following act:

"An act to incorporate the Columbus & West Point Railroad Company."

E. I. HIGBEE,

Chairman Committee on Enrollment.

The Senate then resumed the unfinished business of yesterday, the same being the bill to re-convey property to the heirs of Samuel Mitchell, &c.

After debate Mr. Winn called for the previous question, which was not sustained.

Mr. Holcombe then moved to lay the whole subject on the table; whereupon the yeas and nays were required to be recorded, and are yeas 19, nays 16.

Those voting in the affirmative are—

Messrs. Adkins, Anderson, Bowers, Brock, Burns, Candler, Corbitt, Dickey, Griffin 6th, Harris, Higbee, Holcombe, Jordan, McCutchen, McWhorter, Sherman, Stringer, Welch, Winn.

Those voting in the negative are—

Messrs. Colman, Collier, Fain, Gignilliat, Graham, Griffin 21st, Hinton, Hungerford, Lester, McArthur, Nunnally, Smith 7th, Smith 36th, Speer, Wellborn, Wooten.

So the bill, with the amendments, was laid on the table.

Mr. Nunnally gave notice that he would move to reconsider the action of the Senate on the foregoing bill on to-morrow morning.

The Senate took up the bill to amend an act entitled an act, approved October 9, 1868, to prevent the sale of lottery tickets in this State, &c.

The Judiciary Committee, to whom this bill was referred, reported the same back without recommendation.

After debate the question was put upon the passage of the bill; whereupon the yeas and nays were required to be recorded, and are yeas 17, nays 18.

Those voting in the affirmative are—

Messrs. Adkins, Anderson, Bowers, Brock, Candler, Colman, Corbitt, Dickey, Griffin 6th, Harris, Higbee, Holcombe, McCutchen, Sherman, Smith 7th, Welch, Winn.

Those voting in the negative are—

Messrs. Bruton, Burns, Collier, Fain, Gignilliat, Graham, Griffin 21st, Hinton, Hungerford, Jordan, Lester, Merrill, McArthur, Nunnally, Smith 26th, Stringer, Wellborn, Wooten.

So the bill was lost.

Mr. Smith of the 7th District gave notice that he would move to reconsider the action of the Senate on the foregoing bill on to-morrow morning.

The Senate took up the message of the House on the bill to incorporate the Independent Telegraph Company, and for other purposes connected therewith, to which the House proposed certain amendments:

On motion the amendments, as proposed by the House, were concurred in.

The Senate took up the resolution providing that his Excellency the Governor have, at the expense of the State, prepared and transmitted to Mr. George Peabody a gold medal, &c.

On motion the resolution was withdrawn for the present.

The Senate took up the bill for securing and collecting costs, and for computing fees and costs when paid in currency.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to authorize the Governor to make contracts with the various railroad companies, to which the State extended its aid at the last session of its Legislature by providing for the endorsement of their bonds, to employ upon said roads a certain class of convicts now confined in the Penitentiary of this State.

The Committee on the Penitentiary, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to create a new county out of Troup and Harris.

The Committee on New Counties and County Lines, to whom this bill was referred, reported the same back without recommendation.

On motion the bill was laid on the table.

The Senate took up the bill to increase the fees of James L. Howell, Constable in the county of Lumpkin.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to authorize the Ordinaries of this State to pass orders for the foreclosure of mort-

gages on personalty, and for the enforcement of liens on crops.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass with the following amendment, to wit :

Amend first section by adding after the word "crops" the following, to wit : "and all other liens created by law except mortgages on real estate."

The report of the committee was agreed to. The bill, as amended, was read the third time and passed.

The Senate took up the bill to amend section 3496 of Irwin's Code in relation to garnishments.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to change the line between the counties of Bartow and Gordon.

The Committee on New Counties and County Lines, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

Mr. Winn moved that when the Senate adjourns it meet again at 3 o'clock this P. M., which motion was agreed to.

The Senate took up the bill to amend an act entitled an act for the relief of debtors, &c., passed in 1868, and pending action on the same, the hour having arrived, the President announced the Senate adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment and was called to order by the President.

The following bills of the House were taken up and severally read the first time, to wit :

A bill to change the line between the counties of Clinch and Coffee.

A bill for the relief of William B. Heptinstall, of the county of Chattooga.

A bill for the relief of Fairman F. Tabor and his wife, Louisa Jane Tabor, formerly Louisa Jane Patch.

A bill to incorporate the Methodist Mutual Life Insurance Company.

A bill to change the line between the counties of Spalding and Henry, so as to add lot number 20, in the 3d district of Henry county, to Spalding.

A bill to allow T. B. Thompson to peddle without license.

A bill to authorize the town commissioners of the town of Spring Place, Murray county, to issue license for the retail of ardent spirits, and for other purposes.

A bill to authorize the Court of Ordinary of Glynn county to levy a tax on the State tax for county purposes.

A bill to change the line between the counties of Cobb and Paulding, in this State.

A bill to change the line between the counties of Meriwether and Coweta.

A bill for the relief of John V. Price, William Pilcher and Robert C. Black, as securities on the bond of Samuel Dawson, deceased, late Sheriff of Sumter county.

A bill to amend an act entitled an act to enlarge the boundaries of the town of LaGrange, and for other purposes, approved March 3, 1856.

A bill to authorize the election of ten commissioners for the county of Bibb, defining their duty, and to empower the Ordinary to issue county bonds to drain the Macon reserve.

The following bills were taken up and severally read the second time and referred to the Judiciary Committee, to wit:

A bill to provide a more speedy mode for enforcing liens in certain cases.

A bill to amend the charter of the town of Athens, and various acts amendatory thereof.

A bill to amend the several acts incorporating the city of Brunswick.

A bill to empower the Judges of the Superior Courts of

this State to confine in the cells of the Penitentiary, when they may deem it necessary for security, any prisoner committed to jail in their respective circuits for crime.

A bill to require the Secretary of State to keep a recorded list showing the number and title of all original acts of the General Assembly deposited in his office, and to provide a penalty for permitting such acts to be taken from his office, or to keep the list required.

A bill to amend the 3763d section of the Code of Georgia.

The following bills were taken up and severally read the second time and referred to the Finance Committee, to wit:

A bill to relieve William Bradford, former Tax Collector of Lowndes county.

A bill to repeal section 178 of the Code, and to enact a substitute in lieu thereof.

A bill to fix the salaries of members of the General Assembly.

A bill to authorize the Ordinary of Lowndes county to issue scrip for the purpose of raising funds to pay for the building of a court-house.

A bill for the relief of defaulting tax-payers for the year 1868, and for other purposes.

A bill to amend the 178th section of Irwin's Revised Code, relating to the payment of members of the General Assembly.

The following bills were taken up and severally read the second time and referred to the Committee of the Whole, to wit:

A bill to change and fix the time of holding the Superior Court in Paulding county.

A bill to re-attach the county of Walker to the Cherokee Circuit.

A bill to change the line between the counties of Gwinnet and DeKalb, so as to include in DeKalb county the land and residence of Lidwell B. Wormack.

The following bills were taken up and severally read the second time and referred to the Committee on Internal Improvements, to wit:

A bill to encourage and protect the building of mills and manufacturing establishments in this State.

A bill to define the meaning of the term "wild and unimproved lands."

A bill incorporating the Savannah, Griffin & North Alabama Railroad Company, and for other purposes.

The Senate then resumed the unfinished business of the day, the same being the bill for the relief of debtors, &c.

On motion of Mr. Wooten the words "a creditor," in the 7th line of section 1, were stricken out.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee, as amended, was agreed to. The bill, as amended, was read the third time and passed.

The Senate took up the bill to incorporate the Rome & Summerville Turnpike Company.

The Committee on Internal Improvements, to whom this bill was referred, reported in favor of its passage.

Mr. Burns proposed the following amendment, which was adopted, to wit:

Provided, That so soon as said road is completed to Big Dry Creek, three and one-half miles from Rome, a toll gate may be established until the first section is completed, and the same charges allowed to be charged as are allowed to be charged on a section.

The question was put upon the passage of the bill, as amended, and the bill, as amended, was passed.

On motion of Mr. Burns the Secretary was directed to transmit the bill forthwith to the House of Representatives.

The Senate took up the bill to exempt from payment of poll tax all blind persons not possessed of more than five hundred dollars' estate.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do not pass.

Mr. Adkins moved to disagree to the report of the committee, which motion was agreed to.

On motion of Mr. Adkins the bill was read the third time and passed.

Mr. Smith, chairman of the Committee on New Counties and County Lines, made the following report:

Mr. President:

Your committee have had under consideration the following House bills, which they recommend do pass, to wit:

A bill to be entitled an act to change the line between the counties of Taylor and Macon.

Also, a bill to change the county line between the counties of Haralson and Polk, so as to include lot of land number 341, twentieth district, third section, in the county of Haralson.

Also, a bill to change the line between the counties of Cherokee and Pickens.

Also, a bill to repeal an act changing the line between the counties of Irwin and Berrien, approved December 17, 1859.

W. C. SMITH, Chairman.

Mr. Merrill, from the Judiciary Committee, to whom was referred the following bills, made the following report:

The following named bills they recommend do pass:

A House bill to be entitled an act to amend an act entitled an act to alter and amend the 4813th section of the Revised Code of Georgia, providing for the monthly sessions of the City Court of Savannah; to extend the criminal jurisdiction of the City Court of Savannah; to authorize the speedy and summary trial of criminal cases in said City Court, and for other purposes, approved October 8, 1868.

A House bill to be entitled an act to establish the fees of the Solicitor General of the Eastern Circuit, and of the Clerk, Sheriff and bailiffs of the City Court of Savannah, for their services and attendance on the monthly sessions of said City Court of Savannah, and to provide for the payment of the same as far as regards insolvent persons charged

with crime and tried before said court at said monthly sessions, and for other purposes.

A Senate bill to be entitled an act to relieve Mrs. Nancy Ingram, of the county of Union, from all liability upon a certain recognizance therein named.

The following named bills they recommend do not pass:

A House bill to be entitled an act to amend an act for the relief of debtors, and to provide for the adjustment of debts upon the principles of equity.

A House bill to be entitled an act to incorporate St. Marys Lodge of Free and Accepted Masons, and for other purposes.

A Senate bill to be entitled an act to prohibit the granting of licenses to retail ardent spirits in the county of Dawson, in this State.

A Senate bill to be entitled an act to amend an act for the relief of debtors, and to authorize the adjustment of debts upon principles of equity.

A Senate bill to be entitled an act to alter and amend the law in reference to arbitration and award.

The following named bills they report back without any recommendation:

A Senate bill to declare the buying or selling of cotton in the seed unlawful, and any person or persons buying the same guilty of a misdemeanor, and to prescribe the punishment for the offense.

A Senate bill to be entitled an act to exempt from the provisions of an act of the General Assembly of the State of Georgia, passed during the session of 1868, entitled an act for the relief of debtors, and for the adjustment of debts upon the principles of equity.

The following bills they recommend do pass, with amendments:

A House bill to be entitled an act to legalize an election held for Justice of the Peace in the 451st district G. M., of Ware county, on the 31st day of October, 1868, and for other purposes. This bill they recommend do pass, after striking out the second section thereof.

A Senate bill to be entitled an act to dispose of money

arising from fines and forfeitures in the new Criminal Courts of this State. They recommend that this bill be amended by striking out all after the word "disbursement," in the first section, and inserting in lieu thereof the following, to wit: "To the clerk of the board of commissioners of roads and revenue of their respective counties annually, to be by said clerk entered upon the minutes of said board."

They also recommend the passage of the following bill of the House, to wit:

A bill for the relief of B. G. Poole, M. A. Hardin and F. M. Ford, of the county of Bartow.

W W MERRILL, Chairman.

Mr. Fain, chairman of the Committee on Petitions, made the following report:

Mr. President:

The Committee on Petitions, to whom was referred the bill to authorize Edward S. Mann, of the county of Gordon, to peddle without license, having had the same under consideration, recommend that the bill do pass.

J. C. FAIN, Chairman.

The rule was suspended, and Mr. McArthur introduced the following bill, which was taken up and read the first time, to wit:

A bill to authorize the Macon & Brunswick Railroad Company to build a branch railroad to the city of Albany, in Dougherty county, Georgia, and for other purposes.

The Senate took up the report of the Committee of the Whole on the bill to authorize and require the payment into the city treasury of Savannah of the remnant of the fund raised under the act of the 16th day of February, 1856, for the building of a new jail for Chatham county, and to require the City Council of Savannah to apply said remnant of said fund to the repairing and enlargement of the jail of said county.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up, as the report of the Committee of

the Whole, the bill to incorporate the Tazwell Manufacturing Company, in the county of Marion.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to relieve tax-payers who failed to make returns to the Tax Receivers.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to incorporate the Georgia Baptist Aid Society.

On motion the bill was laid on the table for the present.

The Senate took up the bill to require the Justices of the Peace of each militia district to furnish a list of tax-payers in each militia district to the Tax Receiver of the county.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to provide for the payment and distribution of the poll tax in this State.

The Committee on Education, to whom this bill was referred, reported in favor of its passage.

On motion the bill was laid on the table.

The following bills of the House were taken up and read the second time and referred to the Committee on the Judiciary, to wit:

A bill to carry into effect the 14th section of the 5th article of the Constitution of Georgia.

A bill to authorize deputy county surveyors, or city surveyors, to lay off homesteads, and for other purposes.

A bill to alter and amend an act entitled an act to organize a Criminal Court for each county in this State.

A bill to legalize all the official acts of Joseph T. Harrison, late deputy clerk of the Superior Court of Jackson.

A bill to compel the Ordinary of Tatnall county to keep his office in Reidsville, Tatnall county.

A bill to incorporate Homersville, in the county of Clinch, and to appoint commissioners for the same, and for other purposes therein mentioned.

A bill to allow William J. Wilcox, of the county of Coffee, and Willis R. Ivey, of the county of Habersham, to peddle without license in their respective counties.

A bill to provide for and authorize an election of Mayor and Aldermen, Clerk of City Council and Marshal, of the city of Milledgeville.

A bill to compel the Justice of the Peace and Notaries Public in the 41st district G. M., in Tatnall county, to hold courts at Reidsville, in said county.

A bill to amend the 129th section of Irwin's Revised Code, and to require the Governor to issue commissions to all public officers, upon their taking the oath in said section as amended—the oath of office—and the performance of such other acts of such officers as are now required by law.

A bill for the relief of A. J. Bankston, of the county of Catoosa, and Daniel Sanders, Ezekiel Mathews and Young Johnson, of the county of Crawford.

The following bills of the House of Representatives were taken up and read the second time and referred to the Committee on Finance, to wit

A bill to enable John Shaffield to peddle in the county of Camden without license.

A bill to authorize Battie H. Mitchell and J. W. Davis to peddle in Coweta county without license.

A bill to authorize the several Ordinaries of this State to receive from the securities of any Tax Collector in default, and insolvent county orders of the county, for any sum that the Tax Collector may be in default.

A bill to authorize the Ordinary of Talbot county to levy a tax to pay annual current expenses of said county of Talbot.

A bill for the relief of maimed soldiers and officers belonging to certain military organizations, who were citizens of this State on the 12th day of December, 1866, and who

have not been supplied with an artificial limb, or its equivalent in money

A bill to authorize the Tax Collectors of Pickens and Henry counties to receive, in the payment of county tax, jury certificates for jury duty rendered in 1868 and 1869.

A bill to amend an act to provide for the payment of cost due Sheriffs and Clerks in insolvent cases in Thomas county.

The following bills of the House were taken up and read the second time and referred to the Committee on the Penitentiary, to wit :

A bill to authorize the Principal Keeper of the Georgia Penitentiary to appoint subordinate officers of said institution.

A bill to provide for farming out penitentiary convicts, and to protect those farmed out from inhuman treatment.

The following bills of the House were taken up and read the second time and referred to the Committee on Internal Improvements, to wit :

A bill to incorporate the Albany & Columbus Railroad, and granting certain privileges to the same.

A bill to incorporate the Etowah Canal and Water Works Company.

A bill to amend the charter of the Columbus & Hamilton Railroad, assented to February 20, 1854.

The following bill of the House was read the second time and referred to the Committee on Agriculture and Manufactures, to wit :

A bill to incorporate the Berne Planting, Manufacturing and Fruit Growing Company, in Camden county.

The following bills of the House were taken up and read the second time and referred to the Committee of the Whole, to wit :

A bill to incorporate the town of Montezuma, in the county of Macon.

A bill to amend the charter of the Georgia Home Insurance Company, of Columbus, Georgia, passed December 12, 1859.

A bill to amend an act entitled an act to incorporate the

village of Cave Spring, in the county of Floyd, and for other purposes.

The Senate took up, as the report of the Committee of the Whole, the bill to amend an act so as to secure the products, rents or profits arising from homesteads, &c.

On motion the bill was referred to the Judiciary Committee.

Mr. Speer offered the following resolution, which was lost, to wit :

Resolved, That his Excellency the Governor be requested not to allow the use of the Senate Chamber, after the adjournment of the General Assembly, for any purpose whatever.

On motion the Senate then adjourned until to-morrow morning at ten o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Wednesday, March 3, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Bowers, Honorable Senator from the 31st District.

The roll was called and the Journal of the previous day was read and approved.

Mr. Nunnally, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to re-convey property to the heirs of Samuel Mitchell, &c.

After debate Mr. Holcombe moved to lay the motion on the table ; whereupon the yeas and nays were required to be recorded, and are yeas 18, nays 20.

Those voting in the affirmative are—

Messrs. Adkins, Anderson, Bowers, Brock, Burns, Candler, Corbitt, Dickey, Harris, Higbee, Holcombe, Jordan, McCutchen, Sherman, Smith 7th, Stringer, Welch, Winn.

Those voting in the negative are—

Messrs. Colman, Collier, Fain, Gignilliat, Graham, Grif-

fin 6th, Griffin 21st, Hinton, Hungerford, Jones, Lester, McArthur, McWhorter, Moore, Nunnally, Richardson, Smith 36th, Speer, Wellborn, Wooten.

So the motion to lay the motion to reconsider on the table did not prevail.

The question was then put upon the motion to reconsider; whereupon the yeas and nays were required to be recorded, and are yeas 18, nays 19.

Those voting in the affirmative are—

Messrs. Colman, Collier, Fain, Gignilliat, Graham, Griffin 6th, Griffin 21st, Hinton, Hungerford, Jones, Lester, McArthur, McWhorter, Nunnally, Smith 36th, Speer, Wellborn, Wooten.

Those voting in the negative are—

Messrs. Adkins, Anderson, Bowers, Brock, Burns, Candler, Corbitt, Dickey, Harris, Higbee, Holcombe, Jordan, McCutchen, Moore, Sherman, Smith 7th, Stringer, Welch, Winn.

So the motion to reconsider did not prevail.

Mr. Smith of the 7th District, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to prevent the sale of lottery tickets in this State, &c.

After debate Mr. Wellborn moved to lay the motion on the table; whereupon the yeas and nays were required to be recorded, and are yeas 17, nays 16.

Those voting in the affirmative are—

Messrs. Bruton, Burns, Fain, Gignilliat, Griffin 21st, Hinton, Hungerford, Jones, Jordan, Lester, Merrill, McArthur, McCutchen, Nunnally, Smith 36th, Speer, Wellborn.

Those voting in the negative are—

Messrs. Adkins, Anderson, Bowers, Colman, Dickey, Griffin 6th, Harris, Higbee, Holcombe, Moore, Richardson, Sherman, Smith 7th, Stringer, Welch, Winn.

So the motion to reconsider was laid on the table.

Mr. McCutchen, chairman *pro tem.* of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following acts:

“An act to incorporate the Commercial Banking Company, in the city of Griffin.”

Also, “an act to incorporate ‘the Independent Telegraph Company,’ and for other purposes connected therewith.”

B. R. McCUTCHEN, Chairman *pro tem*.

Mr. Harris, from the Committee on Finance, made the following report:

Mr. President:

The Committee on Finance, to whom was referred “a bill to be entitled an act to authorize the settlement, by the courts, of the accounts of the State with Divine, Jones & Lee,” have had the same under consideration, and recommend that it do not pass.

Also, “a bill to be entitled an act to appropriate money for the payment of the amounts now due, and unpaid, to the schools and colleges of this State, for the education of indigent maimed soldiers,” which they recommend do not pass.

Also, “a bill to be entitled an act to authorize the Ordinary of Towns county to levy an extra tax for the purpose of building a jail,” which they recommend do pass with the following amendment, to wit:

“*Provided*, Such amount be recommended by the grand jury.”

Also, “a bill to authorize the Ordinary of Thomas county to levy and collect an extra tax for county purposes,” which they recommend do pass with the following amendment, to wit:

By adding “such amount as may be recommended by the grand jury.”

Also, “a bill to be entitled an act authorizing the Ordinary of Greene county to levy an extra tax for county pur-

poses," which they recommend do pass with the following amendment, to wit:

By adding "*provided*, such amount may be recommended by the grand jury."

JOHN HARRIS, Chairman.

Mr. Higbee, chairman of the Committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following act, to wit:

An act to incorporate the "Central Georgia Banking Company" and the "Muscogee Banking Company."

E. I. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following bills, to wit:

A bill to aid the Brunswick & Albany Railroad Company

Also, a bill to carry into effect the report of the special committee on the accounts of the State Treasurer and Comptroller General.

Also, a bill to allow the citizens of Brunswick, through their City Council, to donate or sell town commons to the Macon & Brunswick Railroad and Brunswick & Albany Railroad.

Mr. Wellborn, from the Committee on Banks, made the following report, to wit:

Mr. President:

The Committee on Banks, to whom was referred a bill to be entitled an act to incorporate the Atlanta Savings Bank, have had the same under consideration, and recommend that it do pass.

C. J. WELLBORN, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following bills, to wit:

A bill to regulate the agencies of insurance companies not incorporated by the State of Georgia.

Also, a bill to incorporate the Southern Masonic Assurance Society.

Also, a bill to incorporate the Georgia Reed and Fibre Manufacturing Company.

Also, a bill to incorporate the Muscogee Manufacturing Company, of Columbus, Georgia.

They have also passed the following bills of the Senate, to wit:

A bill to alter and amend the several acts incorporating the city of Griffin, and amendatory of the same; to increase the powers of the Mayor and Council of said city, and for other purposes therein named.

Also, a bill to amend section 11 of the amended charter of the city of Albany, Georgia, so as to give the Mayor and Council of said city full power and authority to remove from office officers elected by said Mayor and Council.

Also, a bill to authorize agents and attorneys at law of defendants to make oath to pleas in certain cases.

Also, a bill to dissolve garnishment under attachment, &c.

A bill to incorporate the Darien Banking Company, and for other purposes.

Also, a bill to alter and amend section 3329 of Irwin's Code, the same being in relation to suits against railroad companies.

Also, a bill to more fully carry into effect the first division of the first section of an act entitled an act to define certain acts of trespass, and to make the same penal; assented to 23d February, 1866.

They have also concurred in the Senate's amendment to the following bill of the House, to wit:

A bill to repeal so much of the following act as relates to the counties of Muscogee, Macon and Richmond: "An act to provide for the levying and collection of a tax for the

payment of costs due to Clerks and Sheriffs in insolvent criminal cases in certain counties therein mentioned."

They have also passed the following bills of the Senate; with certain amendments, in which they ask the concurrence of the Senate, to wit:

A bill to incorporate the Georgia Importing Guano Company.

Also, a bill to amend an act entitled an act to protect the planters of this State in the sale of fertilizers.

Also, a bill to alter and amend section 4010 of Irwin's Code, in relation to the issuing of distress warrants, &c.

Mr. Griffin of the 21st District, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to amend an act to secure the proceeds and rents or profits arising from homesteads, and for other purposes.

The motion to reconsider prevailed.

Mr. Griffin then moved to withdraw the bill from the Judiciary Committee, which motion was agreed to.

Mr. Wooten then offered the following amendment, to come in at the end of the first section, to wit:

"And except for stock, provisions and other articles used in making crop, necessities for the family, medical services and tuition for education."

On motion the amendment was agreed to, and the bill, as amended, was read the third time and passed.

On motion the Secretary was directed to transmit the bill forthwith to the House of Representatives.

The following bills were introduced and severally read the first time, to wit:

By Mr. Merrill—

A bill to amend an act entitled an act to incorporate the town of Bowdon, in the county of Carroll, and for other purposes therein mentioned, and to regulate the retail of spirituous liquors in a certain distance of the poor house in Atlanta, approved December 13, 1859.

Also, a bill to add the county of Fayette to the Atlanta Judicial Circuit.

The Senate took up the bill to prevent the various rail-

road companies in this State from being responsible for the killing of any and every species of stock running at large in this State.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back with the recommendation that it do pass, with the following amendment, to wit: "*Provided*, That the railroad company have a lawful fence on each side of the track."

Mr. Hinton proposed the following amendment, to wit:

"That nothing in this bill shall be so construed as to authorize the fencing of the State Road."

After debate Mr. Holcombe moved to postpone the bill indefinitely, which motion was lost.

Mr. Brock then moved to disagree to the report of the committee.

After debate the question was put upon the motion of Mr. Brock, which was agreed to.

The question was then put upon the amendment of Mr. Hinton, which was lost.

The question recurring upon the passage of the bill, the yeas and nays were required to be recorded, and are yeas 13, nays 18.

Those voting in the affirmative are—

Messrs. Brock, Burns, Fain, Harris, Jordan, Merrill, McWhorter, Nunnally, Richardson, Smith 7th, Smith 36th, Speer, Welch.

Those voting in the negative are—

Messrs. Adkins, Anderson, Bowers, Collier, Dickey, Gignilliat, Graham, Griffin 6th, Griffin 21st, Hinton, Holcombe, Hungerford, Jones, Lester, Moore, Sherman, Winn, Wooten.

So the bill was lost.

Mr. Nunnally gave notice that he would move to reconsider the action of the Senate on the foregoing bill on tomorrow morning.

The Senate took up the bill of the House to prevent hunting with fire-arms or dogs in the counties of Terrell, Baker, Calhoun, and others in this State, on the lands of

others without first obtaining permission of the owners thereof.

Mr. Hungerford moved to strike out the counties of Burke, Scriven and Bullock.

Mr. Sherman moved to amend by adding the counties of Camden and Wilkes, and to add the words "and all fines collected shall be applied to the common school fund."

On motion of Mr. Merrill the bill, with the amendments, was laid on the table for the balance of the session.

The Senate took up from the table the bill of the House to make it a penal offense to hunt with fire at night in the counties of Brooks, Floyd, Thomas and Randolph.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass, with certain amendments.

On motion the report of the committee was disagreed to, and the bill was lost.

The Senate took up the bill of the House to relieve from jury duty members of the Watchful Fire Company No. 1, at Cuthbert, Georgia.

Mr. Smith of the 7th District proposed to amend by adding the "Neptune Fire Company, of Thomasville."

On motion the amendment was agreed to.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee, as amended, was agreed to, and the bill, as amended, was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole; the bill of the House to authorize the Ordinary of Fulton county to issue bonds to raise money to meet outstanding bonds issued by the Inferior Court of said county in 1865 and 1866.

The report of the committee was agreed to. The bill was read the third time and passed.

Mr. Wellborn offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That the Committee on the State of the Re-

public, to whom was referred, several days since, a bill providing for the bringing on of a Congressional election in this State, be required to submit its report upon said bill by to-morrow.

The Senate took up the bill of the House to incorporate the Desoto Manufacturing Company, in the county of Floyd.

The Committee on Agriculture and Manufactures, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to prevent monopolies, and to tax certain railroad stock.

On motion of Mr. Wellborn the bill was made the special order for Tuesday next.

The following bill was taken up and read the second time and referred to the Committee of the Whole, to wit:

A bill to authorize and empower the Macon & Brunswick Railroad Company to build a branch railroad from any point on the Macon & Brunswick Railroad to the city of Albany, Dougherty county, Georgia.

The Senate took up the bill of the House for the relief of William Johnson & Son and George J. Lewis, of the county of Upson.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the message of the House on the bill to incorporate the Georgia Importing Guano Company, to which the House proposed an amendment.

On motion the amendment was concurred in.

The Senate took up the message of the House on the bill to alter and amend section 4010 of Irwin's Code, in relation to the issuing of distress warrants, &c., to which the House proposed an amendment.

On motion the amendment, as proposed by the House, was concurred in.

The Senate took up the message of the House on the bill to incorporate the Darien Banking Company, and for other purposes, to which the House proposed an amendment.

On motion the amendment was concurred in.

The Senate took up the message of the House on the bill to amend an act entitled an act to protect the planters of this State in the use of fertilizers, to which the House proposed an amendment.

On motion the amendment, as proposed by the House, was concurred in.

Mr. Smith of the 36th District offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That after this day the Senate meet at nine and a half o'clock, A. M., and adjourn at one and a half o'clock, P. M., each day.

The following bills of the House were taken up and severally read the second time and referred to the Committee on New Counties and County Lines, to wit:

A bill to change the line between the counties of Cobb and Paulding, in this State.

A bill to change the line between the counties of Meriwether and Coweta.

A bill to change the line between the counties of Clinch and Coffee.

A bill to change the line between the counties of Spalding and Henry, so as to add lot number 20, in the 3d district of Henry county, to Spalding.

The following bills of the House were taken up and severally read the second time and referred to the Finance Committee, to wit:

A bill to authorize the Court of Ordinary of Glynn county to levy a tax on the State tax for county purposes.

A bill for the relief of John V Price, William Pilcher and Robert C. Black, as securities on the bond of Samuel Dawson, deceased, late Sheriff of Sumter county.

The following bills of the House were taken up and read the second time and referred to the Judiciary Committee, to wit:

A bill to amend an act entitled an act to enlarge the boundaries of the town of LaGrange, and for other purposes, approved March 3, 1856.

A bill for the relief of William B. Heptinstall, of the county of Chattooga.

A bill to authorize the election of ten commissioners for the county of Bibb, defining their duty, and to empower the Ordinary to issue county bonds to drain the Macon reserve.

A bill for the relief of Fairman F Tabor and his wife, Louisa Jane Tabor, formerly Louisa Jane Patch.

A bill to incorporate the Georgia Methodist Mutual Life Insurance Company.

A bill to allow T. B. Thompson to peddle without a license.

A bill to authorize the town commissioners of the town of Spring Place, Murray county, to issue license for the retail of ardent spirits, and for other purposes.

The following bills of the House were taken up and severally read the first time, to wit:

A bill to incorporate the Southern Masonic Assurance Society.

A bill to allow the citizens of Brunswick, through their City Council, to donate or sell town commons to the Macon & Brunswick Railroad and Brunswick & Albany Railroad.

A bill to regulate the agencies of insurance companies not incorporated by the State of Georgia.

A bill to aid the Brunswick & Albany Railroad Company.

A bill to carry into effect the report of the special committee on the accounts of the late Treasurer and Comptroller General.

A bill to incorporate the Muscogee Manufacturing Company, of Columbus, Georgia.

A bill to incorporate the Georgia Reed and Fibre Manufacturing Company.

On motion the Senate adjourned until to-morrow morning at 9½ o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Thursday, March 4, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Hinton, Honorable Senator from the 24th District.

The roll was called and the Journal of the previous day was read and approved.

The Senate took up the special order for the day, the same being the bill of the House to encourage immigration into the State of Georgia, and the investment of capital in lands.

Mr. Speer proposed the following amendment, to be known as section first, to wit :

"Be it enacted by the General Assembly, That as soon as practicable, after the passage of this act, the Governor shall nominate one Domestic and one Foreign Commissioner of Immigration, who shall be confirmed by the Senate, and that said commissioners, so confirmed, shall be commissioned by the Governor."

Mr. Higbee offered the following as a substitute for the whole, to wit :

An act to encourage immigration to Georgia :

1. *Be it enacted by the General Assembly of the State of Georgia, That there shall be a board of immigration created, consisting of five members, three of whom shall be appointed by the Governor with the advice and consent of the Senate.*

2. *Be it further enacted, That the Governor and the Secretary of State shall be ex officio members of this board, and it shall be its duty to do all and everything which may and will advance and encourage immigration to this State, either from other States or from Europe.*

3. *Be it further enacted, That the board shall cause to be published, from time to time, in such manner as it may deem proper and advisable, pamphlets, essays, newspaper articles and advertisements, descriptive of the developed and undeveloped resources of the State, agricultural and mineral, and setting forth such other facts and informa-*

tion as shall have a tendency to attract attention and encourage immigration to the State. It shall also have power to appoint an agent or agents for the Northern or Eastern States of the United States, or for Europe, for the purpose of advancing immigration—such agent or agents to act under the instructions of said board of immigration, and shall receive such compensation for their services as said board shall allow, to be paid out of any funds that may hereafter be created; and the said board may do any act and employ or draft any agencies or appliances calculated or necessary to effect the purpose designed by this act.

4. *Be it further enacted*, That meetings of the board shall be held on the first Mondays in November, February, May and August, at the Capitol, in Atlanta, and at such other times and places as the majority of the board may direct.

5. *Be it further enacted*, That the board, at its first regular meeting, shall elect a secretary and a treasurer—said officers to be elected from the members composing the board.

6. *Be it further enacted*, That the board of immigration is further authorized, and shall have power, to open books and invite and solicit contributions and endowments of money from corporations, manufacturers, and any other persons, which money, when contributed, shall be under the control of, and be expended by, the board for the interests and purposes in the preceding sections stated.

7. *Be it further enacted*, That it shall be the duty of said board to co-operate with the bureau at Washington City, and to make regular reports of its labors and proceedings to the General Assembly of the State, accompanied by such references, suggestions and statistics as may furnish good and reliable data and proper basis for future legislation on the subject of immigration.

8. *Be it further enacted*, That the sum of one thousand dollars, annually, is hereby appropriated out of any moneys in the treasury of the State, not otherwise appropriated, for the use of the board of immigration, to be expended by said board in such manner as they shall deem expedient and best to promote the objects contemplated in this act.

After debate Mr. Adkins moved to lay the whole upon the table; whereupon the yeas and nays were required to be recorded, and are yeas 15, nays 20.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Brock, Colman, Corbitt, Dickey, Graham, Griffin 21st, Harris, Higbee, Hungerford, Jones, Richardson, Stringer, Welch.

Those voting in the negative are—

Messrs. Anderson, Bruton, Burns, Candler, Collier, Fain, Gignilliat, Griffin 6th, Hinton, Jordan, Lester, Merrill, McArthur, McCutchen, Moore, Smith 7th, Smith 36th, Wellborn, Winn, Wooten.

So the motion to lay on the table did not prevail.

After debate Mr. Wellborn called for the previous question, which being sustained, the main question was ordered upon the substitute of Mr. Higbee; whereupon the yeas and nays were required to be recorded, and are yeas 12, nays 22.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Colman, Corbitt, Dickey, Harris, Higbee, Jones, Merrill, Sherman, Stringer, Welch.

Those voting in the negative are—

Messrs. Anderson, Bruton, Burns, Candler, Collier, Fain, Gignilliat, Graham, Griffin 6th, Griffin 21st, Hinton, Hungerford, Jordan, Lester, McArthur, McCutchen, Moore, Smith 7th, Smith 36th, Wellborn, Winn, Wooten.

So the substitute of Mr. Higbee was lost.

The question was then put upon the amendment as proposed by Mr. Speer; whereupon the yeas and nays were required to be recorded, and are yeas 19, nays 20, (Mr. Holcombe in the chair and voting no.)

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Brock, Bruton, Colman, Corbitt, Dickey, Griffin 6th, Harris, Higbee, Hungerford, Jones, Merrill, McWhorter, Richardson, Sherman, Speer, Stringer, Welch.

Those voting in the negative are—

Messrs. Anderson, Burns, Candler, Collier, Fain, Gignil-

liat, Graham, Griffin 21st, Hinton, Holcombe, Jordan, Lester, McArthur, McCutchen, Moore, Smith 7th, Smith 36th, Wellborn, Winn, Wooten.

So the amendment, as proposed by Mr. Speer, was lost.

The question recurring upon the passage of the bill, the yeas and nays were required to be recorded, and are yeas 23, nays 16.

Those voting in the affirmative are—

Messrs. Anderson, Bruton, Burns, Candler, Collier, Fain, Gignilliat, Griffin 6th, Hinton, Holcombe, Jordan, Lester, Merrill, McArthur, McCutchen, Moore, Smith 7th, Smith 36th, Speer, Wellborn, Welch, Winn, Wooten.

Those voting in the negative are—

Messrs. Adkins, Bowers, Brock, Colman, Corbitt, Dickey, Graham, Griffin 21st, Harris, Higbee, Hungerford, Jones, McWhorter, Richardson, Sherman, Stringer.

So the bill was passed.

Mr. Griffin of the 21st District gave notice that he would move to reconsider the action of the Senate on the foregoing bill on to-morrow morning.

Mr. Smith of the 7th District offered the following resolution, which was taken up, read and adopted, to wit:

With a view to the future protection of the interest of the State in the Western & Atlantic Railroad, be it

Resolved by the Senate and House of Representatives in General Assembly convened, That Col. E. Hulbert, Major Campbell Wallace and Major Mark A. Cooper be, and they are hereby, appointed commissioners, on the part of the State, to investigate and report to this or the next General Assembly such measures as in their judgment will best subserve to protect and promote the future interest of the State in the operations and railroad connections of the Western & Atlantic Railroad.

On motion the Secretary was directed to transmit the foregoing resolution forthwith to the House of Representatives.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit:

Mr. President :

The Governor has approved and signed the following acts, to wit :

“An act to incorporate the Independent Telegraph Company, and for other purposes connected therewith.”

Also, “an act to incorporate the Columbus & West Point Railroad Company.”

Mr. Harris, from the Committee on Finance, made the following report :

Mr. President :

The Committee on Finance, to whom was referred “a bill to be entitled an act for the relief of maimed soldiers and officers belonging to certain military organizations, who were citizens of this State on the 12th day of December, 1866, and who have not been supplied with an artificial limb, or its equivalent in money,” have had the same under consideration, and recommend that it do not pass.

Also, “a bill to be entitled an act to authorize Battie H. Mitchell and John W. Davis to peddle in Coweta county without license,” which they recommend do not pass.

Also, “a bill to repeal section 178 of the Code, and to enact a substitute in lieu thereof,” which they recommend do not pass.

Also, “a bill to be entitled an act to fix the salaries of members of the General Assembly,” which they recommend do not pass.

Also, “a bill to be entitled an act for the relief of defaulting tax-payers for the year 1868, and for other purposes,” which they recommend do not pass.

Also, “a bill to be entitled an act to enable John Shaf-field to peddle in the county of Camden without license,” which they recommend do not pass.

Also, “a bill to be entitled an act to authorize the Ordinary of Talbot county to levy a tax to pay annual current expenses of said county of Talbot,” which they recommend do not pass.

Also, “a bill to be entitled an act to relieve Wm. Brad-

ford, former Tax Collector of Lowndes county," which they recommend do not pass.

Also, "a bill to be entitled an act to amend an act to provide for the payment of costs due Sheriffs and Clerks in insolvent criminal cases in Thomas county," which they recommend do not pass.

Also, "a bill to be entitled an act to authorize the Tax Collectors of Pickens and Henry counties to receive, in the payment of county taxes, jury certificates for jury duty rendered in 1868 and 1869," which they recommend do not pass—the bill authorizing the receiving of jury certificates in payment of State tax.

Also, "a bill to be entitled an act to levy and collect a tax for the support of the government for the year 1869, and for other purposes," which they recommend do pass with the following amendments, to wit:

"That all vendors of any patent medicine, liniment or other article of like character, (except regular merchants and druggists,) shall be liable to a tax of \$50 for each county in which they may peddle," to come in at the end of the 7th article of the 2d section.

Also, to amend the 8th article of the 2d section by striking out the word "ten" and insert in lieu thereof the word "twenty."

Also, in the 4th line of the 11th article of the 2d section, strike out the words "of over" and insert in lieu thereof the words "between five and ten."

JOHN HARRIS, Chairman.

Mr. Holcombe, chairman of the Committee on Agriculture and Manufactures, made the following report:

Mr. President:

The Committee on Agriculture and Manufactures have had under consideration the following bill, to wit:

A bill to be entitled an act to incorporate the Berne Planting, Manufacturing and Fruit Growing Company, in Camden county, Georgia, which they recommend do pass.

A. W. HOLCOMBE, Chairman.

The following message was received from the House of Representatives through Mr Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following bills, to wit:

A bill to reduce the amount of the official bonds of the Sheriffs of Irwin and Habersham.

Also, a bill to transfer the county of Scriven from the Middle to the Eastern Judicial Circuit.

Also, a bill to change the county line between the counties of Johnson and Laurens.

Also, a bill to authorize the Tax Collector of Haralson county to accept jury certificates in payment of county taxes.

Also, a bill to change the line between the counties of Randolph and Clay.

They have also passed the following bills of the Senate, to wit:

A bill to incorporate the Planters' Accommodation Line Steamboat Company.

Also, a bill to incorporate the Augusta & Louisville Railroad Company, and to confer certain privileges and powers upon the same.

Also, a bill to repeal an act to provide for the election of a superintendent of public roads and bridges, so far as it relates to the county of Muscogee, approved March 10, 1866.

Also, a bill to alter and amend an act entitled an act to incorporate the Union & Lumpkin Turnpike Company, and to grant certain privileges to the same, assented to 28th December, 1843; to extend the time for the operation of said charter; to change the name of the same, and for other purposes.

They have passed the following bill of the Senate, with certain amendments, in which they ask the concurrence of the Senate, to wit:

A bill to amend an act entitled an act to define the

qualifications of voters at the elections to be held in the city of Columbus for Mayor and Aldermen, &c.

They have also concurred in the following resolution of the Senate, with certain amendments, in which they ask the concurrence of the Senate, to wit:

A resolution to appoint a joint special committee of four from the Senate and six from the House to take into consideration the contract made by the State with the City Council of Atlanta in regard to the capitol building, and they have appointed Messrs. Anderson of Cobb, Shumate of Whitfield, Bethune of Talbot, McComb of Baldwin, Bell of Banks and Evans of Thomas.

Mr. Brock, chairman of the Committee on the State of the Republic, made the following report:

Mr. President:

The Committee on the State of the Republic, to whom was referred a bill to be entitled an act to authorize and bring on an election for members of Congress for this State, recommend that the same do pass, with the following amendment to the first section, to wit:

By striking out the following words in said section, to wit: "On the first Monday in March next for members of Congress," and insert in lieu thereof the following words, to wit: "On the third Wednesday in April next for members to represent the State in the House of Representatives of the forty-first (41st) Congress of the United States."

Your committee have considered another bill referred to them entitled an act to amend the Constitution of the State of Georgia by striking out the fifth section of the second article of said Constitution, and to provide for taking the vote of the people upon said amendment, which they recommend do not pass.

W BROCK, Chairman.

Mr. Lester, from the Committee on the State of the Republic, made the following report:

Mr. President:

The undersigned; a minority of the Committee on the

State of the Republic, to whom was referred the bill to amend the Constitution upon the subject of dueling, respectfully submit the following report, disagreeing with the recommendation of a majority of the committee :

The common and statute laws of the land have long provided efficient remedies and punishments for all grades of homicide. To add to the penalty for such offenses committed under the name of dueling is a punishment both cruel and unusual. Without seeking or desiring to defend the practice, we are at a loss to see why a man, who proposes or engages in a fair and open fight with an adversary who has insulted him or robbed him of his honor, should be subjected to pains and penalties from which the bully, who, with brutal force, strikes down, mutilates or kills, is exempt.

Too many disabilities have been already imposed upon our people, and we believe that the true interests of our State and society will be best subserved by striking as many as possible from the list.

RUFUS E. LESTER,
J. J. COLLIER,
J. T. BURNS.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following bills, to wit :

A bill to authorize John C. Smith and William M. Pitts, commissioners in the corporation of the town of Thomson, in the county of Columbia, in this State, to order an election for three additional commissioners of said town.

Also, a bill to open and construct a railroad by the way of Canton, in Cherokee county, to the town of Jasper, in the county of Pickens, and to incorporate the same.

Also, a bill to incorporate the Bainbridge, Cuthbert & Columbus Railroad Company, and for other purposes.

The following bills were introduced and severally read the first time, to wit :

By Mr. Collier—

A bill to incorporate the town of Cochran, in the county of Pulaski, State of Georgia.

By Mr. McCutchen—

A bill to define the width of the public road leading from A. J. Leit's, in Catoosa county, to the top of Taylor's Ridge, at the Whitfield line—said road known as the Nickajack road.

By Mr. Hinton—

A bill to repeal an act authorizing the Ordinaries in certain counties to assess a tax to pay costs now due Clerks and Sheriffs in insolvent criminal cases, so far as relates to the county of Macon.

The Senate took up the message of the House on the bill to amend an act entitled an act to define the qualifications of voters at the elections to be held in the city of Columbus for Mayor and Aldermen, &c., to which the House proposed an amendment.

On motion the amendment was concurred in, and the Secretary directed to transmit the action of the Senate forthwith to the House of Representatives.

The Senate took up the bill to incorporate a company to be called the People's Insurance and Banking Company of the State of Georgia.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to; and upon the question "shall this bill now pass?" a constitutional majority being required to pass the same, the yeas and nays were required to be recorded, and are yeas 25, nays 5.

Those voting in the affirmative are—

Messrs. Adkins, Anderson, Brock, Bruton, Burns, Candler, Colman, Collier, Fain, Gignilliat, Graham, Griffin 6th, Hungerford, Jones, Jordan, Lester, McCutchen, Moore.

Richardson, Sherman, Smith 7th, Smith 36th, Speer, Wellborn, Wooten.

Those voting in the negative are—

Messrs. Bowers, Dickey, Holcombe, Stringer, Winn.

So the bill was passed by a constitutional majority

Mr. Harris moved that when the Senate adjourns to-day it meet again on Saturday morning at half past nine o'clock, which motion was agreed to.

The Senate took up the bill to amend the 4th section of an act entitled an act for the relief of debtors, &c.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to levy and collect a tax for the support of the government for the year 1869, and for other purposes.

On motion the bill was taken up by sections and paragraphs.

Mr. Merrill proposed the following amendment, to come in at the end of section first, to wit:

“And such additional per centage as will raise the sum of two hundred thousand dollars for the support of common schools.”

The question was put upon the adoption of the amendment, as proposed by Mr. Merrill, which was lost.

Section first was then adopted.

Section second was taken up and read by paragraphs.

Mr. Bruton moved to amend paragraph first by striking out the word “ten” and insert the words “twenty-five” in lieu thereof.

The question was put upon the motion of Mr. Bruton, which was lost.

Paragraph first was then adopted.

Paragraph second was then taken up.

Mr. Merrill proposed the following amendment, to come in at the end of the same, to wit: “In each county in

which the person proposes to exercise any of said arts he shall pay said tax before commencing business."

The question was put upon the amendment of Mr. Merrill, and the same was not agreed to.

Paragraph second was then adopted.

Paragraph third was then taken up and read.

Mr. Burns moved to strike out the words "twenty-five" and insert the word "ten" in lieu thereof.

The question was put upon the amendment of Mr. Burns, which was lost.

Paragraph third was then adopted.

Paragraphs fourth, fifth and sixth were taken up, read and adopted.

Paragraph seventh was taken up and read.

The Finance Committee reported the following amendment, to come in at the end of paragraph, to wit: "That all vendors of any patent medicine, liniment or other article of like character, except regular merchants and druggists, shall be liable to a tax of fifty dollars for each county in which they may peddle."

Mr. Speer proposed the following amendment, to come in at the end of paragraph, to wit: "For every dog, exceeding one, kept by the head of each family, a tax of one dollar each."

The question was put upon the amendment of Mr. Speer, which was adopted.

The report of the committee, as amended, was agreed to, and the paragraph, as amended, was adopted.

Paragraph eighth was taken up and read.

The Finance Committee reported the following amendment, to wit: "Strike out the word 'ten' and insert the word 'twenty' in lieu."

The report of the committee was agreed to, and the paragraph, as amended, was adopted.

Paragraphs nine and ten were taken up, read and adopted.

Paragraph eleventh was taken up and read.

"The Finance Committee reported the following amendment, to wit: "In the fourth line of the eleventh article of

the second section, strike out the words 'of over' and insert in lieu thereof the words 'between five and.'"

The report of the committee was agreed to, and paragraph eleven, as amended, was adopted.

Paragraphs twelfth and thirteenth were taken up, read and adopted.

On motion section second, as amended, was adopted.

Sections third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth were taken up, read and adopted.

Mr. Bruton offered the following as section thirteenth, to wit:

"That one per cent. shall be collected on all amounts received from betting at faro, or that may be taken in at a faro bank."

The question was put upon the amendment of Mr. Bruton; whereupon the yeas and nays were required to be recorded, and are yeas 6, nays 26.

Those voting in the affirmative are—

Messrs. Adkins, Bruton, Gignilliat, Graham, Jones, Jordan.

Those voting in the negative are—

Messrs. Anderson, Bowers, Brock, Burns, Candler, Colman, Dickey, Fain, Griffin 6th, Griffin 21st, Harris, Hinton, Holcombe, Hungerford, Lester, Merrill, McCutchen, Moore, Sherman, Smith 7th, Smith 36th, Speer, Stringer, Wellborn, Welch, Wimm.

So the amendment of Mr. Bruton was lost.

The question was then put upon the passage of the bill as amended, and the bill, as amended, was passed.

Leave of absence was granted to Senators Gignilliat, Wooten, Griffin of the 21st and Speer, until Monday next.

On motion the Senate adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment and was called to order by the President.

Mr. Higbee, chairman of the Committee on Enrollment,

reported as duly enrolled, and ready for the signature of the President of the Senate, the following act, to wit:

An act changing the time of holding the Superior Courts of the county of Putnam, in the Ocmulgee Circuit, and the county of Towns, in the Blue Ridge Circuit.

E. I. HIGBEE, Chairman.

Mr. Speer, from the Committee on Internal Improvements, made the following report:

Mr. President:

The Committee on Internal Improvements, to whom was referred Senate bills—

To be entitled an act to incorporate the Augusta & Hartwell Railroad Company, which they recommend do pass.

Also, a bill to be entitled an act to incorporate the Georgia & Alabama Steamboat Company, which they recommend do pass.

Also, a bill to be entitled an act to amend an act incorporating the Savannah, Griffin & North Alabama Railroad Company, and for other purposes, which they recommend do pass.

Also, a bill to be entitled an act to extend to the Atlanta & West Point Railroad Company the provisions of an act, approved February 9, 1869, entitled an act to amend the charter of the Macon & Western Railroad Company, which was assented to on the 29th December, 1847; to allow an increase of the capital stock of said company; to fix the rate to be paid by the same, and for other purposes, which they recommend do pass.

Also, a bill to be entitled an act to define the meaning of the term wild and unimproved lands, &c., which they report back without recommendation.

Also, a bill to encourage and protect the building of mills and manufacturing establishments in this State, which they report back without recommendation.

Also, the following House bills:

A bill to be entitled an act to incorporate the Albany &

Columbus Railroad, and granting certain privileges to the same, which they recommend do pass.

Also, a bill to be entitled an act to amend the charter of the Columbus & Hamilton Railroad, assented to February 20, 1854, which they recommend do pass.

Also, a bill to be entitled an act to incorporate the Etowah Canal and Water Works Company, which they recommend do pass.

T. J. SPEER, Chairman *pro tem*.

Mr. Higbee, chairman of the Committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate—

An act to incorporate the Savannah Bank and Trust Company, of Savannah.

E. I. HIGBEE,
Chairman Committee on Enrollment.

Mr. Merrill, from the Committee on the Judiciary, made the following report:

Mr. President:

The Judiciary Committee, to whom was referred certain bills of the House of Representatives, recommend the passage of the following, to wit:

A bill to alter and amend the charter of the city of Americus.

A bill to amend an act entitled an act to amend the several acts of force in relation to the incorporation of the town of West Point, in Troup county, and to incorporate the same under the name of the city of West Point, and to provide for the election of a Mayor and four Aldermen, and such other officers as may be required, and to confer upon them specified powers, and for other purposes therein mentioned.

A bill to incorporate the town of Thomaston, in the county of Upson; to appoint commissioners for the same, and for other purposes.

A bill to incorporate the town of Homersville, in the county of Clinch, and to appoint commissioners for the same, and for other purposes therein mentioned.

A bill to alter and amend an act entitled an act to organize a Criminal Court for each county in this State.

A bill to provide for and authorize an election for Mayor and Aldermen, Clerk of City Council and Marshal, of the city of Milledgeville.

A bill to legalize all the official acts of Joseph T. Harrison, late deputy clerk of the Superior Court of Jackson county.

A bill to compel the Ordinary of Tatnall county to keep his office in Reidsville, Tatnall county.

A bill to alter and amend the second section of an act to incorporate the town of Morgan, in the county of Calhoun, approved March 5, 1856, and for other purposes.

A bill to amend the several acts incorporating the town of Forsyth, in the county of Monroe, and to extend the power of the commissioners of said town.

A bill to authorize improvements to be made on the reserve at the Indian Spring, in the county of Butts, and to protect the same from trespass, and for other purposes therein mentioned.

A bill to amend an act entitled an act to extend the corporate limits of the town of Hamilton, Harris county, and to create and give additional powers to the corporate authority of said town, assented to December 19, 1859.

The following bills of the House of Representatives they have also had under consideration, and recommend that they do not pass, to wit :

A bill to authorize deputy county surveyors, or city surveyors, to lay off homesteads, and for other purposes.

A bill for the relief of A. J. Bankston, of the county of Catoosa, and Daniel Landers, Ezekiel Matthews and Young Johnson, of the county of Crawford.

A bill to carry into effect the 14th section, 5th article, of the Constitution of Georgia.

A bill to compel the Justice of the Peace and Notary

Public in the 41st district G. M., in Tatnall county, to hold courts at Reidsville, in said county.

The following bills of the House of Representatives they report back without recommendation, to wit:

A bill for the relief of William B. Heptinstall, of Chattooga county.

A bill to allow William J. Wilcox, of the county of Coffee, and Willis R. Ivey, of the county of Habersham, to peddle without paying license in their respective counties.

The following bills of the Senate they recommend do pass, to wit:

A bill to require the Secretary of State to keep a recorded list showing the number and title of all original acts of the General Assembly deposited in his office, and to provide a penalty for permitting such acts to be taken from his office, or to keep the list required.

A bill to amend the 2741st section of the Code.

A bill to amend the 3763d section of the Code of Georgia.

They further recommend that the following bill do not pass, to wit:

A bill to provide a more speedy mode for enforcing liens in certain cases.

The bill to amend the charter of the town of Athens, and various acts amendatory thereof, they report back without recommendation.

The bill to repeal the 3525th section of Irwin's Revised Code, so far as the same creates liens on real and personal property in the hands of *bona fide* purchasers for a valuable consideration, they recommend do pass, with a substitute in lieu thereof.

The bill of the House of Representatives to extend the jurisdiction of Constables in the county of Murray, they recommend do pass, with certain amendments.

W. W. MERRILL, Chairman.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

Mr. President :

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following acts :

An act to amend section 11 of the amended charter of the city of Albany, Georgia, so as to give the Mayor and Council of said city full power and authority to remove from office officers elected by said Mayor and Council.

Also, an act to alter and amend section 3329 of Irwin's Code, the same being in relation to suits against railroad companies.

Also, an act to more fully carry into effect the first division of the first section of an act entitled an act to define certain acts of trespass, and make the same penal, assented to February 23, 1866.

Also, an act to alter and amend the several acts incorporating the city of Griffin, and amendatory of the same ; to, increase the powers of the Mayor and Council of said city, and for other purposes therein named.

Also, an act to authorize agents and attorneys at law of defendants to make oath to pleas in certain cases.

Also, an act to dissolve garnishment under attachment, &c.

Also, an act to incorporate the Georgia Male and Female Mutual Life Insurance Company.

E. I. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has adopted the following resolution, to wit :

A resolution requesting his Excellency the Governor not to permit the use of the Senate Chamber, the Hall of the House of Representatives, the caucus or committee rooms, for political assemblages, or for any other kind of meetings, unless it be one in which the whole people of the State are represented.

Mr. McCutchen, chairman *pro tem.* of the Committee on Enrollment, reported as duly enrolled, and ready for the signature of the President of the Senate, the following acts, to wit:

An act to incorporate the Desoto Manufacturing Company, of the county of Floyd.

Also, an act to authorize the Ordinary of Fulton county to issue bonds to raise money to meet outstanding bonds issued by the Inferior Court of said county in 1865 and 1866.

B. R. MCCUTCHEM, Chairman *pro tem.*

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has concurred in the following bill of the Senate, to wit:

A bill to incorporate the Atlanta Acid and Fertilizer Company and the Macon Acid and Fertilizer Company.

Mr. Higbee, chairman of the Committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following acts, to wit:

An act to repeal an act entitled an act to authorize the board of commissioners of public roads for the county of Glynn to appropriate hands to work on Honey Gall Creek, and to establish a public landing at the bluff, and appoint commissioners for the same.

Also, an act to repeal so much of the following act as relates to the counties of Muscogee, Hancock, Glynn, Terrell, Dougherty and Bibb.

"An act to provide for the levying and collection of a tax for the payment of costs due Clerks and Sheriffs in insolvent criminal cases in certain counties therein mentioned."

E. I. HIGBEE, Chairman.

The following bills of the House were taken up and read the first time, to wit:

A bill to reduce the amount of the official bonds of the Sheriffs of Irwin and Habersham counties.

A bill to transfer the county of Scriven from the Middle to the Eastern Judicial Circuit.

A bill to change the county line between the counties of Johnson and Laurens.

A bill to change the line between the counties of Randolph and Clay.

A bill to authorize John C. Smith and William M. Pitts, commissioners in the corporation of the town of Thomson, in the county of Columbia, in this State, to order an election for three additional commissioners of said town.

A bill to incorporate the Bainbridge, Cuthbert & Columbus Railroad Company, and for other purposes therein named.

A bill to authorize the Tax Collector of Haralson county to accept jury certificates in payment of county taxes.

A bill to open and construct a railroad by way of Canton, in Cherokee county, to the town of Jasper, in the county of Pickens, and to incorporate the same.

The following bills were introduced and severally read the first time, to wit:

By Mr. Fain—

A bill to give the Superior Courts of this State jurisdiction in certain cases of nuisance.

By Mr. Jones—

A bill to prescribe the manner of distributing money arising from fines and forfeitures.

The following bills of the House were taken up and read the second time and referred to the Committee on Internal Improvements, to wit:

A bill to allow the citizens of Brunswick, through their City Council, to donate or sell town commons to the Macon & Brunswick Railroad and Brunswick & Albany Railroad.

A bill to incorporate the Georgia Reed and Fibre Manufacturing Company.

The following bill of the House was taken up and read the second time and referred to the Finance Committee, to wit:

A bill to carry into effect the report of the special committee on the accounts of the late Treasurer and Comptroller General.

The following bill of the House was taken up and read the second time and referred to the Committee on Agriculture and Manufactures, to wit :

A bill to incorporate the Muscogee Manufacturing Company, of Columbus, Georgia.

The following bills of the House were taken up and read the second time and referred to the Judiciary Committee, to wit :

A bill to incorporate the Southern Masonic Assurance Society.

A bill to regulate the agencies of insurance companies not incorporated by the State of Georgia.

The following bills were taken up and read the second time and referred to the Judiciary Committee, to wit :

A bill to add the county of Fayette to the Atlanta Judicial Circuit.

A bill to amend an act entitled an act to incorporate the town of Bowdon, in the county of Carroll, and for other purposes therein mentioned, and to regulate the retail of spirituous liquors in a certain distance of the poor house in Atlanta, approved December 13, 1859.

The Senate took up the House bill to aid the Brunswick & Albany Railroad Company.

Mr. Wellborn moved that the bill be referred to a special committee of three, which was agreed to.

The Chair announced as such committee, Messrs. Wellborn, Merrill and McWhorter.

On motion of Mr. Harris all bills of the Senate and House, relating to the Penitentiary, were made the special order for Monday next.

The Senate took up the bill to authorize the Ordinary of Thomas county to levy and collect an extra tax for county purposes.

The Finance Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass, with the following amendment, to wit :

“*Provided*, Such amount is recommended by the grand jury.”

The report of the committee was agreed to. The bill, as amended, was read the third time and passed.

The Senate took up the petition of Jesse H. Campbell, of the county of Thomas.

The Committee on Education, to whom this petition was referred, reported the same back without recommendation.

On motion the petition was laid on the table.

The Senate took up the bill to authorize the Ordinary of Lowndes county to issue scrip for the purpose of raising funds to pay for the building of a court-house.

The Finance Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to declare the buying or selling of cotton in the seed unlawful, and any person or persons buying the same guilty of a misdemeanor, and to prescribe the punishment for the same.

On motion the bill was laid on the table.

The Senate took up the bill to authorize and require each county in this State to pay the expenses for the conveying of persons sentenced to labor in the Penitentiary, and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported the same back with the following substitute, which they recommend be passed in lieu of the original, to wit:

A bill to be entitled an act to provide for conveying prisoners convicted to the Penitentiary, and for paying the expenses for the same.

SEC. 1. *Be it enacted by the General Assembly of the State of Georgia* *conced*, That it shall be the duty of Sheriffs of the several counties in this State to convey all persons, convicted and sentenced to labor in the Penitentiary from their respective counties, to the said Penitentiary within five days from such conviction and sentence, and such Sheriff shall be entitled to receive, out of the county trea-

sure, a reasonable compensation, with his necessary expenses for the same.

SEC. 2. **Repeals conflicting laws.**

The report of the committee was agreed to. The substitute was adopted in lieu of the original, and the bill was passed under the following title, to wit:

"A bill to be entitled an act to provide for conveying prisoners convicted to the Penitentiary, and for paying the expenses for the same."

.On motion the Secretary was directed to transmit the bill forthwith to the House of Representatives.

The Senate took up the bill to prohibit Ordinaries from granting letters of administration in certain cases.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion the Secretary was directed to transmit the same forthwith to the House of Representatives.

The Senate took up the bill to alter the 3652d section of the Code.

On motion the bill was laid on the table.

The Senate took up the bill to change the county line between the counties of Carroll and Paulding.

The Committee on New Counties and County Lines, to whom this bill was referred, reported the same back without recommendation.

On motion the bill was read the third time and passed, and the Secretary directed to transmit the same forthwith to the House of Representatives.

The Senate took up the bill to require plaintiffs in *fi. fas.* to pay the fees for advertising all sales of lands to be made by them in advance.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to extend and regulate the

law of set-off and recoupment, and to authorize damages to be set off in certain actions founded on contracts.

On motion of Mr. Harris the bill was made the special order for Tuesday next.

The Senate took up the bill to authorize testators in wills to give to the executors named therein money or property, as they may wish, as compensation for their services.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to require the official bonds of Ordinaries to be approved by the Clerks of the Superior Courts.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion the Secretary was directed to transmit the bill forthwith to the House of Representatives.

The Senate took up the bill to authorize Judges of the Superior Courts, at chambers, to hear and determine demurrers to bills in equity, and hear and determine motions to make or change orders appointing receivers upon certain conditions.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion the Secretary was directed to transmit the bill forthwith to the House of Representatives.

The Senate took up the bill to exempt from the provisions of an act of the General Assembly of the State of Georgia, passed during the session of 1868, entitled an act

for the relief of debtors, and for the adjustment of debts upon the principles of equity.

The Judiciary Committee, to whom this bill was referred, reported the same back without recommendation.

On motion the bill was read the third time and passed, and the Secretary directed to transmit the same forthwith to the House of Representatives.

The Senate took up, as the report of the Committee of the Whole, the bill to prescribe a penalty for neglecting or refusing to work on roads of this State, and for other purposes.

After debate Mr. Harris moved to lay the bill on the table; whereupon the yeas and nays were required to be recorded, and are yeas 11, nays 18.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Brock, Colman, Griffin 6th, Harris, Holcombe, Merrill, Speer, Stringer, Winn.

Those voting in the negative are—

Messrs. Anderson, Bruton, Burns, Candler, Collier, Fain, Gignilliat, Graham, Griffin 21st, Hinton, Jones, Jordan, Lester, McCutchen, McWhorter, Moore, Richardson, Wellborn.

So the motion to lay the bill on the table did not prevail.

Mr. Smith of the 36th District then proposed the following amendment, to wit:

Strike out the last mentioned penalty and insert the following, to wit: "Ordinaries may cause said delinquents to be arrested and compelled to work in the chain-gang, or on any public work in the county in which he resides, double the length of time of his failure to work, on being legally warned."

The question was put upon the amendment of Mr. Smith of the 36th, which was lost.

The question recurring upon the passage of the bill, the yeas and nays were required to be recorded, and are yeas 9, nays 16.

Those voting in the affirmative are—

Messrs. Anderson, Candler, Fain, Gignilliat, Graham, Hinton, Jones, McCutchen, Moore.

Those voting in the negative are—

Messrs. Adkins, Bowers, Brock, Colman, Griffin 6th, Griffin 21st, Harris, Holcombe, Merrill, McWhorter, Richardson, Smith 7th, Speer, Stringer, Welch, Winn.

So the bill was lost.

Mr. Smith of the 36th District gave notice that he would move to reconsider the action of the Senate on the foregoing bill.

The Senate took up the bill to relieve Mrs. Nancy Ingram, of the county of Union, from all liability upon a certain recognizance therein named.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion the Secretary was directed to transmit the same forthwith to the House of Representatives.

The Senate took up the bill of the House to repeal sections 1456, 1457, 1458, 1459, 1460, 1461 of Irwin's Revised Code, so far as relates to the counties of Monroe, Morgan, Macon and Houston, and for other purposes.

On motion of Mr. Lester the bill was recommitted to the Judiciary Committee.

The Senate took up the bill to authorize and require the Ordinary of each of the counties of Stewart and Webster to levy a tax to pay insolvent costs in certain cases.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

Mr. Moore moved to disagree to the report of the committee; whereupon the yeas and nays were required to be recorded, and are yeas 22, nays 6.

Those voting in the affirmative are—

Messrs. Anderson, Brock, Bruton, Candler, Collier, Gignilliat, Graham, Griffin 6th, Hinton, Hungerford, Jones, Jordan, Merrill, McArthur, McCutchen, McWhorter, Moore, Richardson, Smith 7th, Smith 36th, Stringer, Wellborn.

Those voting in the negative are—

Messrs. Adkins, Griffin 21st, Sherman, Speer, Welch, Winn.

So the report of the committee was not agreed to.

On motion of Mr. Moore the bill was read the third time and passed.

On motion the Secretary was directed to transmit the bill forthwith to the House of Representatives.

The Senate took up the bill of the House to alter and amend an act entitled an act to organize a Criminal Court for each county in this State.

On motion the bill was amended by adding the counties of Oglethorpe, Hart, Milton, Cherokee, Forsyth, Houston, White, Lumpkin, Dawson, Twiggs, Dooley, Hall, Jackson, Greene, Taliaferro, Warren, Telfair, Montgomery, Irwin.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill, as amended, was read the third time and passed.

On motion the Secretary was directed to transmit the bill forthwith to the House of Representatives.

The Senate took up the bill of the House to incorporate the Savannah Manufacturing Company, and to grant to it certain rights and privileges.

The Committee on Agriculture and Manufactures, to whom this bill was referred, reported the same back with the recommendation that it do pass with the following amendment, to wit:

“Insert in the twenty-fourth line, after the words ‘of the,’ the word ‘unpaid.’”

Mr. Lester moved to amend the report of the committee by striking out the word “unpaid,” as proposed, which motion was agreed to.

The report of the committee, as amended, was agreed to, and the bill, as amended, was read the third time and passed.

On motion the Senate adjourned until Saturday morning at half past nine o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Saturday, March 6, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Smith, Honorable Senator from the 7th District.

The roll was called and the Journal of Thursday was read and approved.

Mr. Smith of the 36th District, in conformity with previous notice, moved to reconsider so much of the Journal of Thursday last as relates to the action of the Senate on the bill to prescribe a penalty for neglecting or refusing to work the roads of this State, and for other purposes.

After debate the previous question was called, and being sustained, the main question was ordered upon the motion to reconsider, which was lost.

Mr. Adkins, in conformity with previous notice, moved to reconsider so much of the Journal of Thursday last as relates to the action of the Senate on the bill of the House to encourage immigration into the State of Georgia, and the investment of capital in lands.

After debate the motion to reconsider was laid on the table.

Mr. Brock, in conformity with previous notice, moved to reconsider so much of the Journal of Thursday last as relates to the action of the Senate on the bill to amend the fourth section of an act entitled an act for the relief of debtors, &c.

The motion prevailed.

After debate, on motion of Mr. Nunnally, the bill was laid on the table for the present.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following bills, to wit :

A bill to make it a penal offense for owners, or persons controlling billiard tables or ten-pin alleys, to allow minors

to play or roll on their tables or alleys without the consent of their parents or guardians.

Also, a bill to incorporate the Athens Mutual Loan Association.

Also, a bill for the relief of T. J. Murphy, T. F. Grubb and others, of the county of Upson; also, for the relief of S. K. O'Neal and others, of Talbot county.

Also, a bill for the relief of Zachariah Stephenson and others, securities on the Tax Collector's bond in Talbot county, so far as relates to their liability for taxes going to said county.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following acts and resolutions:

"An act to repeal an act to provide for the election of a superintendent of public roads and bridges, so far as it relates to the county of Muscogee, approved March 10, 1866."

Also, "an act to alter and amend an act entitled an act to incorporate the Union & Lumpkin Turnpike Company, and to grant certain privileges to the same, assented to 28th December, 1843; to extend the time for the operation of said charter; to change the name of the same, and for other purposes."

Also "an act to incorporate the Augusta & Louisville Railroad Company, and to confer certain privileges and powers upon the same."

Also, "an act to incorporate the Atlanta Acid and Fertilizing Company and the Macon Acid and Fertilizing Company"

Also, "a resolution to appoint a joint special committee of four (4) from the Senate and six (6) from the House to take into consideration the contract made by the State with the City Council of Atlanta in regard to the capitol building."

E. I. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has adopted the following joint resolution, to wit:

A resolution that the General Assembly do adjourn *sine die* on Friday, the 12th instant, at 12 o'clock, M.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit:

Mr. President:

The Governor has approved and signed the following acts, to wit:

"An act to authorize agents and attorneys at law of defendants to make oath to pleas in certain cases."

"An act to dissolve garnishment under attachment, &c."

"An act to incorporate the 'Georgia Male and Female Mutual Life Insurance Company.'"

"An act to amend section 11 of the amended charter of the city of Albany, Georgia, so as to give the Mayor and Council of said city full power and authority to remove from office officers elected by said Mayor and Council."

"An act to more fully carry into effect the first division of the first section of an act entitled 'an act to define certain acts of trespass, and make the same penal, assented to February 23, 1866.'"

"An act to alter and amend section 3329 of Irwin's Code, the same being in relation to suits against railroad companies."

"An act to incorporate the Darien Banking Company, and for other purposes."

Also, "an act to incorporate the Commercial Banking Company, in the city of Griffin."

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed, over the veto

of the Executive, by a constitutional majority of yeas 100, nays 20, the following bill, to wit :

To create a board of commissioners of roads and revenue in the several counties in this State.

They have also passed the following bills, to-wit :

A bill to incorporate the Planters' Acid and Phosphate Manufacturing Company of Georgia.

Also, a bill legalizing the election of William J. Brown as Sheriff of Quitman county.

Also, a bill to change and fix the times of holding the Superior Courts of the county of Paulding, and for other purposes.

Also, a bill to allow John D. Wilkes, of the county of Macon, guardian of A. C. Felton, of Macon county, to settle with said ward.

They have also adopted the following resolutions, to wit :

A resolution authorizing the Governor to draw his warrant upon the Treasurer to pay for copies of the general laws passed at the present session.

Also, a resolution appointing a committee of three from the House and two from the Senate to ascertain if the labors of the several Judges of the Superior Courts of this State cannot be so distributed as to avoid the necessity of creating new circuits.

Also, a resolution authorizing advance payment to State Printer.

They have also passed the following bills of the Senate, to wit :

A bill to amend the several acts incorporating the town of Lafayette.

Also, a bill to make valid the acts of certain Notaries Public of this State.

Also, a bill to change the county line between the counties of Carroll and Campbell.

Also, a bill to amend an act entitled an act to enable parties having claims against the Nashville & Chattanooga Railroad Company, in the State of Georgia, to perfect service upon said company, and for other purposes. assented to 20th December, 1860.

They have also passed the following bills of the Senate, with certain amendments, in which they ask the concurrence of the Senate, to wit:

A bill to change the time of holding the Superior Court of Bryan county.

Also, a bill to incorporate the "Georgia Mutual Aid Company," in the city of LaGrange, Troup county, Georgia, with certain rights and privileges.

Also, a bill to authorize either party in a possessory warrant to give notice of an intention to *certiorari*, and the same shall operate as a *supersedeas* for ten days, &c.

They have also concurred in the following Senate resolution, to wit:

A resolution appointing commissioners to look after the future interest of the State in the Western & Atlantic Railroad.

They have also concurred in the Senate's amendment to the following bill of the House, to-wit:

A bill to relieve from jury duty members of Watchful Fire Company No. 1, at Cuthbert, Georgia.

Mr. McCutchen, chairman *pro tem.* of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following acts:

An act to alter and amend section 4010 of Irwin's Code in relation to the issuing of distress warrants, &c.

Also, an act to incorporate the Georgia Importing Guano Company.

Also, an act to amend an act entitled an act to protect the planters of this State in the sale of fertilizers.

Also, an act to incorporate the Darien Banking Company. and for other purposes.

B. R. McCUTCHEN, Chairman *pro tem.*

Mr. Fain, chairman of the Committee on Petitions, made the following report:

M. President:

The committee, to whom was referred the bill to authorize Edward S. Mann, of the county of Gordon, to peddle without license, having had the same under consideration, recommend that the bill do pass.

J. C. FAIR, Chairman.

The Senate took up and concurred in the resolution of the House "that his Excellency the Governor be, and he is hereby, authorized at once to draw a warrant upon the Treasurer for the sum of five thousand dollars in favor of Samuel Bard, State Printer, as advance pay for the State printing for the year 1869."

The following bills of the House were taken up and read the first time, to wit:

A bill to incorporate the Planters' Acid and Phosphate Manufacturing Company of Georgia.

A bill legalizing the election of William J. Brown as Sheriff of Quitman county.

A bill to change and fix the times of holding the Superior Courts in the county of Paulding, and for other purposes.

A bill to allow John D. Wilkes, of the county of Macon, guardian of A. C. Felton, of Macon county, to settle with said ward.

A bill for the relief of Zachariah Stephenson, and other securities on the Tax Collector's bond in Talbot county, so far as relates to their liability for taxes going to said county.

A bill to make it a penal offense for owners or persons controlling billiard tables or ten-pin alleys to allow minors to play or roll on their tables or alleys without the consent of their parents or guardians.

A bill for the relief of T. J. Murphy, T. F. Grubb and others, of the county of Upson; also, for the relief of S. K. O'Neal and others, of Talbot county.

A bill to incorporate the Athens Mutual Loan Association.

The following bill of the House was taken up and read

the second time and referred to the Finance Committee, to wit :

A bill to authorize the Tax Collector of Haralson county to accept jury certificates in payment of county taxes.

The following bill of the House was taken up and read the second time and referred to the Committee on Internal Improvements, to wit :

A bill to open and construct a railroad by the way of Canton, in Cherokee county, to the town of Jasper, in the county of Pickens, and to incorporate the same.

The following bills of the House were taken up and read the second time and referred to the Committee on New Counties and County Lines, to wit :

A bill to change the county line between the counties of Johnson and Laurens.

A bill to change the line between the counties of Randolph and Clay

The following bills of the House were taken up and read the second time and referred to the Judiciary Committee, to wit :

A bill to authorize John C. Smith and William M. Pitts; commissioners in the corporation of the town of Thomson, in the county of Columbia, in this State, to order an election for three additional commissioners of said town.

Also, a bill to reduce the amount of the official bonds of the Sheriffs of Irwin and Habersham counties.

The following bills of the House were taken up and read the second time and referred to the Committee of the Whole, to wit :

A bill to transfer the county of Scriven from the Middle to the Eastern Judicial Circuit.

A bill to incorporate the Bainbridge, Cuthbert & Columbus Railroad Company, and for other purposes therein named.

Mr. Higbee, chairman of the Committee on Enrollment, reported as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following act, to wit :

An act to relieve from jury duty members of the Watchful Fire Company No. 1, at Cuthbert, and the Neptune Fire Company, of Thomasville, Georgia.

E. I. HIGBEE, Chairman.

The Senate took up the message of the House on the bill to authorize either party in a possessory warrant to give notice of an intention to *certiorari*, and the same shall operate as a *supersedeas* for ten days, to which the House proposed an amendment.

On motion the amendment, as proposed by the House, was concurred in.

The Senate took up the message of the House on the bill to change the time of holding the Superior Court of Bryan county, to which the House proposed an amendment.

On motion the amendment, as proposed by the House, was concurred in.

Senator Merrill was granted leave of absence for a few days.

The following bills were taken up and severally read the second time and referred to the Judiciary Committee, to wit :

A bill to incorporate the town of Cochran, in the county of Pulaski, State of Georgia.

A bill to give the Superior Courts of this State jurisdiction in certain cases of nuisance.

A bill to prescribe the manner of distributing money arising from fines and forfeitures.

The following bill was taken up and read the second time and referred to the Committee on Internal Improvements, to wit :

A bill to define the width of the public road leading from A. J. Leit's, in Catoosa county, to the top of Taylor's Ridge, at the Whitfield line—said road known as the Nick-ajack road.

The following bill was taken up and read the second time and referred to the Finance Committee, to wit :

A bill to repeal an act authorizing the Ordinaries in cer-

tain counties to assess a tax to pay costs now due Clerks and Sheriffs in insolvent criminal cases, so far as relates to the county of Macon.

The Senate took up the bill of the House to change the line between the counties of Taylor and Macon.

The Committee on New Counties and County Lines, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to alter and amend the charter of the city of Americus.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion the Secretary was directed to transmit the bill forthwith to the House of Representatives.

The Senate took up the bill of the House for the relief of A. Worrill, of the county of Upson.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to amend an act incorporating the Savannah, Griffin & North Alabama Railroad Company, and for other purposes.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion the Secretary was directed to transmit the bill forthwith to the House of Representatives.

The Senate took up the message of the House on the joint resolution that the General Assembly do adjourn *sine die* on Friday, the 12th instant, at 12 o'clock, M.

On motion the resolution was concurred in.

The Senate took up the bill of the House to incorporate the Rome Iron Manufacturing Company, in the county of Floyd, and to define the rights of, privileges and liabilities of the same.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the House bill to change the line between the counties of DeKalb and Clayton.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do not pass.

On motion the bill was laid on the table for the present.

Mr. Smith of the 36th District offered the following resolution, to wit :

Resolved, That on next Monday, the 8th instant, at 12 o'clock, m., the Senate take a vote on the ratification of the 15th amendment to the Constitution of the United States.

Mr. Candler proposed the following amendment, to wit :

“ Provided, The General Assembly is officially notified of the passage of said 15th amendment by Congress.”

Mr. Hungerford proposed the following additional amendment, to wit :

“ That the Governor be requested to furnish the Senate with what official information he may have in regard to the passage of the 15th article.”

After debate Mr. Higbee moved to lay the resolution on the table ; whereupon the yeas and nays were required to be recorded, and are yeas 20, nays 11.

Those voting in the affirmative are—

Messrs. Adams, Anderson, Burns, Candler, Colman, Collier, Corbitt, Dickey, Gignilliat, Graham, Griffin 6th, Higbee, Holcombe, Jordan, Lester, McCutchen, McWhorter, Moore, Nunnally, Sherman.

Those voting in the negative are—

Messrs. Adkins, Bowers, Brock, Bruton, Hungerford,

Jones, McArthur, Smith 7th, Smith 36th, Stringer, Winn.

So the resolution was laid on the table.

Senator Moore was granted leave of absence for a few days.

The Senate took up the report of the Committee of the Whole on the bill to re-attach the county of Walker to the Cherokee Circuit.

On motion the bill was laid on the table for the present.

The Senate took up the bill to amend section 2406 of Irwin's Code, in relation to executors *de son tort*, and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill in relation to the statute of limitations, and for other purposes.

On motion of Mr. Nunnally the bill was made the special order for Tuesday next, and fifty copies of the same ordered to be printed for the use of the Senate.

Mr. Winn offered the following resolution, to wit :

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the constitutional amendment recently passed by Congress, known as article fifteen as follows : Section 1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States, or by any State on account of race, color or previous condition of servitude. Section 2. The Congress shall have power to enforce this article by appropriate legislation—meets with the approval of this General Assembly, and we are prepared to adopt said amendment whenever the same is officially submitted to us.

Mr. Adkins offered the following as a substitute for the resolution, as reported by Mr. Winn, to wit :

“Resolved, That his Excellency the Governor be requested, at the earliest practicable moment, to communicate any official information he may have in relation to the change in the Constitution known as article 15.”

Mr. Bruton proposed the following as an amendment to the substitute, as offered by Mr. Adkins, to wit: "That the Governor be further requested, if he has no information on the subject, to notify Congress to hurry up and send it along quick."

Pending consideration, on motion of Mr. McArthur, the Senate adjourned until Monday morning at 9½ o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Monday, March 8, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Smith, Honorable Senator from the 7th District.

The roll was called and the Journal of Saturday was read and approved.

Mr. Merrill moved to reconsider so much of the Journal of Saturday as relates to the action of the Senate on the bill to amend an act incorporating the Savannah, Griffin & North Alabama Railroad Company, and for other purposes.

The motion to reconsider prevailed.

Mr. Merrill then proposed the following amendment, to come in at the end of section third, to wit:

"Provided, That the said railroad shall be constructed by way of Newnan, in Coweta, and Carrollton, in Carroll county."

After debate the question was put upon the amendment, as proposed by Mr. Merrill, which was lost.

Mr. Merrill then offered the following amendment, to wit:

"Provided, That said road shall be constructed by way of the town of Carrollton, in Carroll county, unless it shall be demonstrated by actual survey hereafter to be made by a competent surveyor or engineer, that a route by way of said town is wholly impracticable."

Mr. Candler moved to strike out the third section.

After debate the question was put upon the motion of Mr. Candler, which was lost.

The question was then put upon the amendment of Mr. Merrill, which was not agreed to.

The question was then put upon the passage of the bill, and the bill was passed.

On motion of Mr. Nunnally the Secretary was directed to transmit the bill forthwith to the House of Representatives.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit :

Mr. President :

The Governor has approved and signed the following acts, to wit :

“An act to amend an act to incorporate the town of Hartwell, in the county of Hart, approved February 26, 1856.”

“An act to alter and amend section 4010 of Irwin’s Code, in relation to the issuing of distress warrants, &c.”

Also, “a resolution to appoint a joint special committee of four (4) from the Senate and six (6) from the House to take into consideration the contract made by the State with the City Council of Atlanta in regard to the capitol building.”

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following acts, to wit :

An act to amend an act entitled an act to incorporate the city of Americus, and to alter and amend an act to incorporate the town of Americus, Sumter county, Georgia.

An act to incorporate the Savannah Manufacturing Company, and to grant to it certain rights and privileges.

An act to encourage immigration into the State of Georgia, and the investment of capital in lands.

An act to change the line between the counties of Taylor and Macon.

• E. I. HIGBEE, Chairman.

Mr. Harris, chairman of the Committee on the Penitentiary, made the following report :

Mr. President:

The committee report back, without recommendation, the following House bills, to wit:

A bill to provide for the farming out penitentiary convicts, and to protect those farmed out from inhuman treatment.

Also, a bill to authorize the Principal Keeper of the Georgia Penitentiary to appoint subordinate officers of said institution, &c.

(Signed)

JOHN HARRIS, Chairman.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit:

Mr. President:

The Governor has approved and signed the following acts, to wit:

"An act to incorporate the Augusta & Louisville Railroad Company, and to confer certain privileges and powers upon the same."

"An act to alter and amend an act entitled an act to incorporate the Union & Lumpkin Turnpike Company, and to grant certain privileges to the same, assented to 28th December, 1843; to extend the time for the operation of said charter; to change the name of the same, and for other purposes."

Also, "an act to incorporate the 'Georgia Importing Guano Company.'"

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following acts and resolution:

An act to make valid the acts of certain Notaries Public of this State.

Also, an act to amend an act entitled an act to define the qualifications of voters at the elections to be held in the city of Columbus for Mayor and Aldermen, &c.

Also, an act to change the county line between the counties of Carroll and Campbell.

Also, an act to amend the several acts incorporating the town of Lafayette, &c.

Also, an act to incorporate the Georgia Mutual Aid Company, in the city of LaGrange, Troup county, Georgia, with certain rights and privileges.

Also, an act to amend an act entitled an act to enable parties having claims against the Nashville & Chattanooga Railroad Company, in the State of Georgia, to perfect service upon said company, and for other purposes, assented to 20th December, 1860.

Also, an act to incorporate the Planters' Accommodation Line Steamboat Company.

Also, a resolution appointing commissioners to look after the future interest of the State in the Western & Atlantic Railroad.

E. I. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clérk thereof:

Mr. President:

The House of Representatives has passed the following bill, to wit:

A bill for raising a revenue for the political year 1869, and to appropriate money for the use of the government during said year, and to make certain special appropriations, and for other purposes therein mentioned.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following acts:

An act to authorize either party in a possessory warrant to give notice of an intention to *certiorari*, and the same shall operate as a *supersedeas* for ten days.

Also, an act to change the times of holding the Superior Court of Bryan county.

E. I. HIGBEE, Chairman.

Mr. Nunnally, chairman of the Committee on Internal Improvements, made the following report:

Mr. President:

The committee recommend the passage of the following bill:

To loan the credit of the State to the Cartersville & Van Wert Railroad Company, with the following amendment: Strike out fifteen thousand and insert twelve thousand five hundred.

Also, a bill to incorporate the Georgia Reed and Fibre Manufacturing Company, which they recommend do pass.

Also, a bill to open and construct a railroad by way of Canton, Cherokee county, to the town of Jasper, in the county of Pickens, and to incorporate the same, which they recommend do pass.

Also, a bill to allow the citizens of Brunswick, through their City Council, to donate or sell town commons to the Macon & Brunswick Railroad and Brunswick & Albany Railroad, which they recommend do not pass.

They report back without recommendation a bill to define the width of the public road leading from A. J. Leit's, in Catoosa county, to the top of Taylor's Ridge, at the Whitfield line—said road known as the Nickajack road.

(Signed)

A. D. NUNNALLY, Chairman.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit:

Mr. President:

I am directed by the Governor to deliver to the Senate a communication in writing, with accompanying document:

EXECUTIVE DEPARTMENT,
ATLANTA, GEORGIA, March 8, 1869.

To the Senate:

"An act entitled an act to incorporate a town to be called the town of Parkerville" is herewith respectfully returned without the approval of the Executive.

By an examination of the second section of this act, it will be found that the right of election for corporate authorities of this proposed town is limited to the "owners of lots in said town."

I am led to the conclusion that this act must have escaped consideration in your honorable body, for I am unwilling to believe that you are at this time prepared to enforce what was commonly known many years since in Georgia as the "Algerine Law," or to establish that universality of election without regard to age or sex, and based simply on the ownership of property, that would be accomplished by this second provision of the act referred to.

Action in this direction would seem to bring with it all the old abuses of the feudal system, including the investment of the land-owners with arbitrary and lordly rights and privileges, as compared with those enjoyed by other citizens.

In the third section this same principle seems to have been provided for, in that the election is to be presided over by "any two lot-owners in said town."

By the fifth section the said intendant and commissioners "shall be *ex officio* Justices of the Peace within the corporate limits of said town, so as to enable them to issue warrants for offenses committed therein, &c." Thus the lot-owners—the Algerines—would be empowered to confer judicial authority upon other lot-owners, irrespective of the wishes of the citizens of the State and of the United States who might be resident within the limits of this proposed town, and who might not be so fortunate as to be the owners of lots. By the seventh section, also, the right to "order the place at which the first election for intendant &c., shall be held," is limited to four lot-owners.

It is to be sincerely regretted that a measure of this extraordinary character, and so flagrantly violative of the letter and spirit of our Constitution, and antagonistic to the principles of republican government, should have received the approval of the respective committees and a majority of the members of each House of the General Assembly.

RUFUS B. BULLOCK, Governor.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following act, to wit :

An act to incorporate the Rome Iron Manufacturing Company, in the county of Floyd, and to define the rights, privileges and liabilities of the same.

E. I. HIGBEE, Chairman.

The Senate then took up the special order for the day, the same being all bills of the Senate and House of Representatives relating to the Penitentiary.

The Senate took up, as first in order under the above, the bill of the House to provide for farming out penitentiary convicts, and to protect those farmed out from inhuman treatment.

The Committee on the Penitentiary, to whom this bill was referred, reported the same back with the following substitute, which they recommend do pass in lieu of the original, to wit :

A bill to be entitled an act to provide for farming out the Penitentiary of the State, and for other purposes.

SECTION 1. *The General Assembly of the State of Georgia do enact, That the Governor is hereby authorized and directed to farm out the Penitentiary for a term of years—not less than two years—to such persons or company of persons as shall take it on the best time and give sufficient bond and*

security as the Governor, in his discretion, may require for the faithful and full compliance with their contract with the State, and which contract shall require the humane treatment of the convicts, their security and management in accordance with the rules and regulations now in force for the control of the convicts in so far as the same may be consistent with the working of the convicts on any public work in the State of Georgia; *Provided*, No contract shall be made which shall not relieve the State from all expenses except the salary of the Principal Keeper, &c.

SEC. 2. *Be it further enacted*, That all the officers and employees now required and employed in and about said Penitentiary shall be discharged, except the Principal Keeper thereof, after such contract as hereinbefore shall have been made, and the Penitentiary turned over to the contractors.

The Principal Keeper shall continue in office as inspector of convicts, and shall report to the Governor any and all violations of contracts by persons to whom the Penitentiary shall have been farmed, and discharge all the duties now required of him by law, as well as those of Inspector of the Penitentiary, so far as such discharge shall be consistent with the carrying out of the contract hereinbefore authorized.

SEC. 3. *Be it further enacted*, That the lessee or lessees of said Penitentiary shall not be permitted to work the convicts without the limits of this State, and, at the expiration of the lease, shall deliver possession of said Penitentiary, its machinery, buildings and fixtures, in as good repair as the same is when received by him or them.

SEC. 4. *Be it further enacted*, That all laws and parts of laws militating against this act are hereby repealed.

After debate Mr. Holcombe called for the previous question, which being sustained, the main question was ordered upon the passage of the substitute.

The report of the committee was agreed to, and the bill was passed under the following title, to wit:

"A bill to be entitled an act to provide for the farming out the penitentiary convicts, and for other purposes."

The following bill of the House was then taken up and laid on the table, to wit :

A bill to authorize the Principal Keeper of the Penitentiary to appoint subordinate officers of said institution.

The Senate then took up the veto message of his Excellency the Governor on the bill to be entitled an act to incorporate a town to be called Parkersville.

After debate Mr. Harris called for the previous question, which being sustained, the main question was put upon the passage of the bill—the veto of his Excellency to the contrary notwithstanding—a majority of two-thirds being required to pass the same, the yeas and nays were required to be recorded, and are yeas 18, nays 16.

Those voting in the affirmative are—

Messrs. Adams, Anderson, Burns, Candler, Collier, Fain, Gignilliat, Graham, Hinton, Jordan, Lester, Merrill, McArthur, McCutchen, Nunnally, Smith 7th, Wellborn, Winn.

Those voting in the negative are—

Messrs. Adkins, Bowers, Brock, Colman, Corbitt, Dickey, Griffin 6th, Harris, Higbee, Hungerford, Jones, McWhorter, Sherman, Smith 36th, Stringer, Welch.

A majority of two-thirds not agreeing, the veto of his Excellency was sustained.

Mr. Hinton moved that when the Senate adjourns it meet again at 3 o'clock this P. M., which was agreed to.

Mr. McWhorter offered the following resolution, to wit :

Resolved, That the Hon. B. A. Thornton, of Columbus, Georgia, be admitted to a seat upon the floor of the Senate.

On motion the resolution was amended by adding the names of Father Ryan and Hon. W F Wright.

The resolution, as amended, was then adopted.

The Senate took up the bill to loan the credit of the State to the Cartersville & Van Wert Railroad Company.

On motion the bill was referred to the Committee on Internal Improvements.

Mr. Hungerford offered the following resolution, to wit :

Resolved, That the committee, to whom was referred the

bill to be entitled an act to aid the Brunswick & Albany Railroad Company, be requested to report immediately.

Mr. Nunnally moved that the bill be made the special order for this evening at three o'clock.

Mr. Smith of the 7th District moved to amend by making the bill the special order for Wednesday next, immediately after the reading of the Journal.

After debate the question was put upon the motion of Mr. Smith of the 7th District, which was lost.

The question was then put upon the motion of Mr. Nunnally, which was agreed to.

The hour of adjournment having arrived, the President declared the Senate adjourned until 3 o'clock, P. M.

MONDAY AFTERNOON, 3 O'CLOCK.

The Senate met pursuant to adjournment and was called to order by the President.

Mr. Candler, from the joint special committee, &c., made the following report :

To the Senate and House of Representatives :

The joint special committee, "charged with the duty of inquiring whether, since the adjournment of the last session of the General Assembly, any original acts, passed by the General Assembly, have been taken from the office and care of the Secretary of State, and by whom taken, or by whose direction, and what disposition was made of said acts ?

"Whether any money has been drawn from the treasury, 'except by appropriation made by law;' if so, how the same was drawn, for whose benefit drawn, and the amounts so drawn ?

"Whether any money has been drawn on Executive warrants for which there was no authority of law, how much so drawn, and for whose benefit drawn ?

"Whether any amounts have been drawn from the treasury to pay salaried officers of the State for services rendered in their offices more than the salaries fixed by law.

and if so, the authority by which the same was drawn, and in whose favor drawn?

“Whether any amounts have been drawn from the treasury under statements of incidental expenses, contingent expenses, extra services and stationery, and if so, the authority for such expenditures, and in whose favor such drafts were drawn?” make the following report:

There being no record kept in the office of the Secretary of State which would show what original acts of the General Assembly had been filed in that office, and the papers and copies of laws and resolutions of the General Assembly having not been kept and filed as required by law, your committee could not, satisfactorily to themselves, discharge the duties imposed upon them as to these original acts. Inquiry of officers, who had opportunity of knowing what original acts of the General Assembly had been of file in the office of Secretary of State, informed the committee that an original act, approved October 5, 1868, entitled an act to carry into effect section 23, article 1, of the Constitution of this State, and for other purposes, had, after its deposit with the Secretary of State, and a few days after the adjournment of the last session of the General Assembly, been taken from that office by B. B. de Graffenried, one of the Secretaries of the Executive Department, acting under the directions of the Governor, and kept in the Executive office until the meeting of your committee, when, by its suggestion, it was re-deposited in the office of Secretary of State. From statements made by Mr. de Graffenried, it appeared that the act was taken from the Secretary of State's office with no improper motive. Another act, on the same subject, had, subsequently to the approval of the first, been presented to the Governor for his approval; for comparison with this latter act, the first was taken from the Secretary of State's office. The Governor, believing the latter act, when approved, to be a repeal of the first, approved the second, and caused it to be filed as required by law, retaining the first approval in his office, with an entry by him, in pencil, upon it that it was repealed by act of Octo-

ber 9, 1868. Both acts are now of file in the office of Secretary of State, as required by the statute.

MONEY DRAWN FROM THE TREASURY EXCEPT BY APPROPRIATION
MADE BY LAW.

Section 3 of the appropriation act, approved October 10, 1868, appropriated, as a contingent fund for the latter half of the year 1868, ten thousand dollars. The law expressly provides that certain expenditures shall be paid from this fund. This amount was appropriated to meet expenses which may be necessary, and for the payment of which the General Assembly has made no express provision. It is to cover the expenses of the period for which provided, in this case the latter half of the year 1868. Of this fund, to the 1st day of January, 1869, \$9,543 25 had been drawn from the treasury on Executive warrants, countersigned by the Comptroller General, as provided by law. For these warrants drawn, and payments made under them, making this amount, there is sufficient authority of law for all, except the sum of two thousand dollars paid on Executive warrant No. 66, drawn November 21, 1868, in favor of John C. Fort, executor of George W. Fort. The consideration of this claim upon, and payment from, the contingent fund for latter half of the year 1868 was "vaccine matter, and distributing same from January 10, 1858, to December, 1863. The authority of law claimed for this payment is an act of the General Assembly of Georgia, assented to 9th December, 1843, directing the Governor to cause a supply of vaccine matter to be purchased and kept on hand at different and convenient places throughout the State, to be furnished to the people gratis for inoculation, and that he pay for the same out of the contingent fund." There is another act, that approved 5th February, 1866, entitled an act to prevent the spread of small-pox in this State, the 4th section of which authorizes the Governor to procure the necessary quantity of vaccine matter, either by purchase or manufacture, at such reasonable compensation as he may contract for, and have the same transmitted to the Justices of the Inferior Courts of each county

for immediate use. Whether there was any amount, or the sum paid to Fort was due him from the State of Georgia, was not a question for your committee to determine. The question for them was, whether the same was paid from the treasury under any appropriation made by law? Your committee think it was not. It was not a contingent expense of the "latter half of the year 1868." If due from the State, it was a debt made from 1858 to December, 1863, in existence at and during the sitting of the Legislature of 1868, and no provision was made for its payment. The Governor had no authority to draw his warrant to pay that or any other debt of the State, unless there was an appropriation made by law. If there was no law authorizing the warrant, its countersigning by the Comptroller General, and payment by the Treasurer, was equally illegal. The meaning of the act of 9th December, 1843, was to require the Governor to purchase, and cause to be kept on hand, "vaccine matter," and to pay for the quantity purchased, when purchased, from the contingent fund of that year, and not purchase in 1843, or 1858, or 1863, and pay from an appropriation made in 1868—the contingent fund for the latter half of the year 1868.

By section 3 of the said appropriation act of 1868, \$15,000 is appropriated as a printing fund, "for the latter half of the current year," with authority to the Governor, in case of a deficiency in that appropriation, to draw on any unappropriated funds in the treasury. This fund is alone for the payment of printing to be done by the Public Printer. All printing, other than that performed by the Public Printer, which necessity may demand, shall be printed at the seat of government, or such other place as may be necessary, in the discretion of the Governor, under his direction and supervision, upon reasonable rates, to be paid for out of the contingent fund.—Sec. 1043, Revised Code. Upon this fund no warrants were drawn in favor of the Public Printer, and payments by the Treasurer made to him. Upon it the Governor drew, to the first of January, 1869, his warrants, which were countersigned by the Comptroller General, and paid by the Treasurer, in

favor of various printers and newspaper proprietors in Georgia, to the number of fifty-two, (the number of which warrants, and names of persons in whose favor drawn, are shown in the annual report of the Treasurer) amounting, in the aggregate, to the sum of \$12,834 04. If the indebtedness for which these warrants were drawn and payments made was properly contracted, then they should have been drawn upon and paid for from the contingent fund. Of this fund there remained, on the first day of January, 1869, only the sum of \$456 95, the sum of \$9,543 05 having been paid to claims not of those making the \$12,834 04. If this sum of \$446 95 had been paid to the warrants \$12,834 04, paid from the printing fund, \$1,237 09 of that sum was paid from the treasury, for which there was no appropriation made by law. By section 7 of the appropriation act of 1868, the Governor is authorized to draw his warrant upon the Treasurer for such sum or sums as in his judgment may be a just compensation "for the performance of any service or labor for which no provision is made for compensation," directed by the General Assembly. Under this authority, warrants have been drawn by the Governor, countersigned by the Comptroller General, and paid by the Treasurer, to the amount of \$47,780 13.

Your committee believe the following warrants and payments were unauthorized by said section of the appropriation act :

Nos.	WHEN DRAWN.	IN FAVOR OF	AMOUNT.
298	August 7, 1868.	B. F. Blodget.	\$ 100 25
314	August 22, 1868.	A. P. Aldrich.	100 00
359	October 8, 1868.	D. G. Cotting.	550 95
366	October 9, 1868.	J. W. Burke.	5,000 00
368	October 10, 1868.	H. H. Waters.	255 00
371	October 13, 1868.	H. H. Waters.	150 00
380	October 28, 1868.	Rev. J. Spillman.	160 00
381	October 28, 1868.	Rev. W. T. Brantly.	160 00
382	October 28, 1868.	Rev. John M. Crumley.	160 00
470	October 31, 1868.	H. H. Waters.	100 00
388	October 31, 1868.	A. H. Belcher.	227 46
12	November 5, 1868.	Byrd & Kolbe.	2,520 00
13	November 5, 1868.	D. W. Kolbe.	970 00
385	October 31, 1868.	Augustus Flash.	376 66
386	October 31, 1868.	John Henry Foy.	336 66
1	November 3, 1868.	Allen J. Bell.	135 00
20	November 6, 1868.	H. P. Farrow.	250 00
324	September 4, 1868.	J. H. Mayes.	100 00
21	November 6, 1868.	J. Hendrix.	34 00
25	November 9, 1868.	Thompson Allan.	150 00
382	October 8, 1868.	J. B. Williams.	50 00
384	October 31, 1868.	R. H. Atkins.	654 23
389	October 31, 1868.	Coley Inman.	106 15
10	November 4, 1868.	B. W. Frobel.	525 00
387	October 31, 1868.	L. C. Jones.	83 44
28	November 10, 1868.	Alton Angier.	150 00
32	November 10, 1868.	B. F. Freeman.	266 66
38	November 12, 1868.	Atlanta Gas Company.	51 45
42	November 13, 1868.	J. W. Burke.	2,500 00
49	November 14, 1868.	Jno. T. Alexander.	230 00
68	November 21, 1868.	Phillips & Crew.	115 55
7	November 26, 1868.	Marshall de Graffenried.	300 00

The larger number of the foregoing mentioned warrants, and greater amount paid upon them, are only unauthorized under said section 7, and might have been drawn upon and paid from the contingent fund and printing fund under authority of sections 2 and 3 of the said appropriation act of 1868. The contingent fund was not, however, sufficient to have covered all that was, and should have been, drawn upon it. The printing fund of \$15,000 was more than sufficient to have covered all warrants properly drawn upon it, but was exhausted by unauthorized warrants upon it, thereby creating a necessity for warrants under section 7 not intended to be covered thereby. The following warrants, under said section 7, and payments from the treasury are, in the opinion of your committee, not authorized by that section, or by any other provision of law :

Nos.	WHEN DRAWN.	IN WHOSE FAVOR.	AMOUNT.
380	October 28, 1868.	Rev. J. Spillman.	\$160 00
381	October 28, 1868.	Rev. W. T. Brantly.	160 00
382	October 28, 1868.	Rev. John M. Crumley.	160 00
1	November 3, 1868.	Allen J. Bell.	135 00
21	November 6, 1868.	J. Hendrix.	34 00
25	November 9, 1868.	Thompson Allan.	150 00
23	November 10, 1868.	Alton Angier	150 00
32	November 11, 1868.	B. F. Freeman.	266 66
49	November 14, 1868.	John T. Alexander.	230 00
			\$1,645 66

The foregoing statements, as to amounts paid from the treasury, show that within the period from August 11, 1868, to January, 1869, there was paid from the treasury the sum of \$71,013 22, the authority for which is claimed under sections 3 and 7 of the appropriation act of 1868. In the opinion of your committee, those sections, as well as all other provisions of law, only authorized the payment of \$54,990 47, leaving \$16,022 75 paid from the treasury without any appropriation made by law. For the Executive warrants covering the same, there was no law; the warrants were countersigned by the Comptroller General in violation of law. The warrants drawn by the Governor being without law, countersigned by the Comptroller General in violation of law, were illegally paid by the Treasurer. Of the warrants drawn upon and paid from the contingent and printing fund, \$11,481 54 has been paid to various newspaper proprietors for printing Executive orders and advertising Executive proclamations. The only fund that could by law be drawn upon for the payment of this class of expenses is the contingent fund, and yet upon that fund only one warrant has been drawn and paid, to the amount of \$261 50, leaving \$11,220 04 drawn upon and paid from the printing fund contrary to law. If these expenses were necessary, in view of the general good, and there was an unexhausted fund from which they could be paid, your committee should not have felt it their duty to call the attention of the General Assembly to the same.

The public interests do not require such expenses to be incurred. It has been unusual in the previous history of

the State to have published generally throughout the State proclamations of pardon for every person who may have been pardoned after conviction of crime, and Executive orders appointing persons to such unimportant positions as county inspectors of fertilizers. If it is to be longer authorized, taking the period from August 11, 1868, to January 1, 1869, as a criterion, the amount annually drawn from the treasury on this account will be not less than thirty thousand dollars (\$30,000.)

AMOUNTS DRAWN FROM THE TREASURY FOR EXTRA SERVICES TO
SALARIED OFFICERS MORE THAN THEIR SALARIES.

Within the period covered by the Treasurer's report, from August 11, 1868, to January 1, 1869, \$1,800 has been drawn from the treasury and paid to salaried officers of the State for services rendered in their offices, more than their salaries fixed by law. Of this sum five hundred dollars has been paid to each, B. B. de Graffenried and Eugene Davis, Secretaries of the Executive Department, and one hundred and fifty dollars to each, Thompson Allan, clerk of the Comptroller General, and Alton Angier, clerk of the Treasurer. These amounts were paid on Executive warrants, countersigned by the Comptroller General, and for which no authority of law is known to your committee.

AMOUNTS DRAWN FROM THE TREASURY UNDER STATEMENTS OF
INCIDENTAL EXPENSES, CONTINGENT EXPENSES, EXTRA SER-
VICES AND STATIONERY.

Nine thousand and forty-one dollars and sixty-eight cents have, for the said period, between August 11, 1868, and January 1, 1869, been drawn from the treasury under the several statements of incidental expenses, contingent expenses, extra services and stationery. Of this sum \$1,735 70 was paid to M. A. Hardin, Clerk of the House of Representatives, on an Executive warrant drawn upon an account audited by the Auditing Committee of the House of Representatives, under section 17 of the appropriation act of 1868, which required a bill of items to be submitted

to the chairman of the Auditing Committee and by him be approved.

In this account are two items of stationery, making \$868 06, and the larger portion of balance under general terms of printing, ice, &c., without specifications as to whom paid or price. Five hundred dollars were paid to A. E. Marshall, Secretary of the Senate, on an Executive warrant, not countersigned by the Comptroller General, for contingent expenses of the Senate, session of 1868. For this no bill of items, approved by chairman of Senate Auditing Committee, was of file in the Executive office. Five hundred and fifty dollars and ninety-five cents were paid, on Executive warrant, dated October 8, 1868, to David G. Cotting, Secretary of State, for stationery furnished the General Assembly of 1868. To authorize this payment, the amount should have been reported to the Finance Committee of the House of Representatives, and an appropriation made by law to cover the same. This was not done, and the warrant drawn and paid under no other authority than section 7 of said appropriation act of 1868, which was not intended to cover the same, and was not sufficient therefor. Four thousand four hundred and twenty-one dollars and sixty-five cents have been paid for extra services and additional services in Executive office, Treasurer's and Comptroller General's office, and that of Superintendent of Public Works. The authority for this is claimed under sections 2 and 7 of the appropriation act. Very liberal construction of those sections of said act would allow this creation and payment of this expense; though your committee believe the additional service had in these several offices was unnecessary, and should not hereafter be allowed. Nine hundred and ninety-one dollars and seventy cents have been paid on account of incidental expenses of the Executive Department, and on Executive warrants in favor of the Secretaries of that Department, who pay these expenses according to the long-established practice. These officers have exhibited vouchers showing that this amount has been properly paid out by them. Eight hundred and forty-two dollars and

sixty-eight cents have been paid for stationery for the Executive Department and State House offices.

Under the further duty imposed upon your committee, of recommending any legislation which may be necessary to insure a faithful execution of the Constitution and the laws, and economy in the expenditure of the public money, they report a bill to be entitled an act to require the Secretary of State to keep a recorded list showing the number and titles of all original acts of the General Assembly, and to provide a penalty for a violation of his duty in the premises, and recommend the passage of the same.

As to prevent the unauthorized drawing of money from the treasury, it is believed no legislation is necessary. No evidence has been discovered which is sufficient to authorize the charge that any officer of the State Government has drawn from, or assisted in drawing from, the treasury any money which he knew to be in violation of law, and with intent to benefit himself.

For the illegal payments from the treasury on warrants, countersigned by the Comptroller General, he, as well as the Treasurer, with all their securities, are jointly and severally liable, upon their several bonds, for the re-payment of such amounts, with all the expenses of prosecution, to the State.

Your committee recommend the adoption of the accompanying resolution, requiring the Attorney General, in the name of the State of Georgia, to institute suit against the Comptroller General and Treasurer, and their securities on their bonds, for the re-payment of the several amounts illegally paid from the treasury, as exhibited in this report.

The accompanying resolution, as to the printing and publishing of Executive proclamations, is reported with the recommendation that it be adopted:

Resolved by the Senate and House of Representatives, That the Attorney General be directed and required to bring suit upon the bonds of Madison Bell, Comptroller General, and N. L. Angier, Treasurer, and their securities, for the several amounts paid from the treasury within the period

from August 11, 1868, to January 1, 1869, on Executive warrants countersigned by the said Comptroller General and which are designated as unauthorized by law in a report this day made by a special committee of the Senate and House of Representatives, of which Milton A. Candler is chairman, and adopted by the Senate and House of Representatives.

Resolved, That it is the sense of the General Assembly of the State of Georgia, that the publication of every proclamation of pardon by his Excellency the Governor in a large number of newspapers in Georgia, and the publication of every Executive order, appointing persons to the such unimportant positions as county inspector of fertilizers, creating, as it does, very heavy drafts upon the treasury, without affording commensurate benefit upon the people, should not be longer continued, and that the drawing of warrants to cover such expenses, upon any other than the contingent fund, is a violation of law that ought not to be tolerated.

MILTON A. CANDLER,

Chairman Senate Committee.

O. G. SPARKS,

Chairman House Committee.

Mr. Harris, from the Committee on Finance, made the following report :

Mr. President :

The Committee on Finance, to whom was referred "a bill to be entitled an act to repeal an act authorizing the Ordinaries in certain counties to assess a tax to pay costs now due Clerks and Sheriffs in insolvent criminal cases, so far as relates to the county of Macon," have had the same under consideration and recommend that it do pass.

Also, "a bill to be entitled an act to authorize the Court of Ordinary of Glynn county to levy a tax on the State tax for county purposes," which they recommend do pass.

Also, "a bill to be entitled an act to authorize the Tax Collector of Haralson county to accept jury certificates

payment of county taxes," which they recommend do not pass.

Also, "a bill to be entitled an act to authorize the several Ordinaries of this State to receive from the securities of any Tax Collector, in default and insolvent, county orders of the county for any sum that the Tax Collector may be in default," which they recommend do not pass.

Also, "a bill to be entitled an act to carry into effect the report of the special committee on the accounts of the late Treasurer and Comptroller General," which they recommend do not pass, because the settlement of the Treasurer's accounts is provided for by the Code of Georgia, and because no one is responsible for the settlement if made under this bill.

JOHN HARRIS, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bill, which I am ordered to transmit forthwith to the Senate :

A bill to relieve Thomas A. Grace and others of double tax for 1868, and for other purposes.

Mr. Wellborn, from the special committee to whom was referred a bill to be entitled an act to aid the Brunswick & Albany Railroad Company, made the following report, to wit :

Mr. President :

The special committee, to whom was referred a bill to be entitled an act to aid the Brunswick & Albany Railroad Company, have had the same under consideration and recommend that it do pass.

C. J. WELLBORN, Chairman.

Mr. Bruton offered the following resolution, to wit :

Resolved, That a seat on the floor of the Senate is hereby tendered to Captain Alexander Duncan during his stay in the city.

Mr. Speer moved to amend by inserting the name of E. L. Strohecker, which was agreed to, and the resolution, as amended, was adopted.

Mr. Fain offered the following resolution, which was taken up, read and adopted, to wit :

Resolved, That a seat upon the floor of the Senate be tendered to Major Campbell Wallace, former Superintendent of the Western & Atlantic Railroad, during his stay in the city.

The following bill of the House was taken up and read the first time, to wit :

A bill for raising a revenue for the political year eighteen hundred and sixty-nine, and to appropriate money for the use of the government during said year, and to make certain special appropriations, and for other purposes therein mentioned.

The following bills of the House were taken up and severally read the second time and referred to the Finance Committee, to wit :

A bill to allow John D. Wilkes, of the county of Macon guardian of A. E. Felton, of Macon county, to settle with said ward.

Also, a bill for the relief of T. J. Murphy, T. F. Grubbs and others, of the county of Upson ; also, for the relief of S. K. O'Neal and others, of Talbot county.

Also, a bill for the relief of Zachariah Stephenson and others, securities on the Tax Collector's bond in Talbot county, so far as relates to their liability for taxes going to said county.

The following bills of the House were taken up and severally read the second time and referred to the Judiciary Committee, to wit :

A bill to incorporate the Athens Mutual Loan Association.

Also, a bill to make it a penal offense for owners or persons controlling billiard tables or ten-pin alleys to allow minors to play or roll on their tables or alleys without the permission of their parents or guardians.

Also, a bill to change and fix the times of holding the Superior Courts of the county of Paulding, and for other purposes.

Also, a bill legalizing the election of William J. Brown as Sheriff of Quitman county.

The following bill of the House was taken up and read the second time and referred to the Committee on Agriculture and Manufactures, to wit:

A bill to incorporate the Planters' Acid and Phosphate Manufacturing Company of Georgia.

The Senate then took up the special order for the evening, the same being the report of the special committee on the House bill to aid the Brunswick & Albany Railroad Company.

Mr. Bruton offered the following resolution, to wit:

Resolved, That the report of the committee on the bill to aid the Brunswick & Albany Railroad be referred to the Superintendent of Public Works for his opinion as to the practicability of extending the Brunswick & Albany Railroad from Tebeanville to Albany and Eufaula, and the effect said road, if extended to those points, would have on other roads, especially those in which the State is a stockholder, or which it has endorsed the bonds of."

After debate the question was put upon the resolution of Mr. Bruton; whereupon the yeas and nays were required to be recorded, and are yeas 13, nays 24.

Those voting in the affirmative are—

Messrs. Anderson, Bruton, Burns, Candler, Collier, Harris, Hinton, Holcombe, Lester, Merrill, Nesbitt, Smith 7th, Winn.

Those voting in the negative are—

Messrs. Adams, Adkins, Bowers, Brock, Colman, Corbitt, Dickey, Fain, Gignilliat, Graham, Griffin 6th, Higbee, Hungerford, Jones, Jordan, McCutchen, McWhorter, Nunnally, Sherman, Smith 36th, Speer, Stringer, Wellborn, Welch.

So the resolution was lost.

Mr. Candler then moved to take up the bill by sections, which was not agreed to.

Mr. Bruton then moved to lay the bill on the table for the present, which was not agreed to.

After debate Mr. Hungerford called for the previous question, which being sustained, the main question was ordered upon the passage of the bill; whereupon the yeas and nays were required to be recorded, and are yeas 24, nays 14.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Brock, Colman, Corbitt, Dickey, Fain, Gignilliat, Graham, Griffin 6th, Higbee, Hungerford, Jones, Jordan, McArthur, McCutchen, McWhorter, Nunnally, Sherman, Smith 36th, Speer, Stringer, Wellborn, Welch.

Those voting in the negative are—

Messrs. Adams, Anderson, Bruton, Burns, Candler, Collier, Harris, Hinton, Holcombe, Lester, Merrill, Nesbitt, Smith 7th, Winn.

So the bill was passed.

Mr. Smith of the 7th District gave notice that he would move to reconsider the action of the Senate on the foregoing bill on to-morrow morning.

The Senate took up the bill to give aid to prisoners in common jails.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to regulate contracts for labor.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to authorize Edward S. Mann, of Gordon county, to peddle without license.

The Committee on Petitions, to whom this bill was referred, reported the same back with the recommendation that it do pass.

Mr. Merrill moved to amend by inserting the name of Joseph Nowlan, of Carroll county.

Mr. Brock moved to amend further by inserting the names of J. C. Deavenport, P. H. Galamore and John Smith.

After debate the question was put upon the amendment of Mr. Brock, which was lost.

The question was then put upon the amendment of Mr. Merrill, which was not agreed to.

The question recurring upon the passage of the bill, the yeas and nays were required to be recorded, and are yeas 22, nays 3.

Those voting in the affirmative are—

Messrs. Adams, Adkins, Anderson, Bowers, Brock, Bruton, Burns, Collier, Corbitt, Fain, Hinton, Hungerford, Jones, Jordan, Lester, McCutchen, Smith 7th, Smith 36th, Speer, Stringer, Wellborn, Winn.

Those voting in the negative are—

Messrs. Harris, Merrill, Welch.

So the bill was passed.

The Senate took up the bill to amend an act entitled an act to enable the owners of mines to draw water from branches or other headwaters through or over intervening lands, approved October 10, 1868.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back without recommendation.

Mr. Dickey moved that the bill do pass, which motion was not agreed to, and the bill was lost.

The Senate took up the bill to extend to the Atlanta & West Point Railroad Company the provisions of an act, approved February 9, 1869, entitled an act to amend the charter of the Macon & Western Railroad Company, which was assented to on the 29th December, 1847; to allow an increase of the capital stock of said company; to fix the rate of tax to be paid by the same, and for other purposes.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion the Senate adjourned until to-morrow morning at half past nine o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Tuesday, March 9, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Adams, Honorable Senator from the 20th District.

The roll was called and the Journal of the previous day was read and approved.

Mr. Smith of the 7th District, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to aid the Brunswick & Albany Railroad Company.

After debate Mr. Colman moved to lay the motion on the table; whereupon the yeas and nays were required to be recorded, and are yeas 22, nays 15.

Those voting in the affirmative are—

Messrs. Adkins, Brock, Colman, Corbitt, Dickey, Fain, Gignilliat, Griffin 6th, Higbee, Hungerford, Jones, Jordan, McCutchen, McWhorter, Nunnally, Sherman, Smith 36th, Speer, Stringer, Wellborn, Welch, Wooten.

Those voting in the negative are—

Messrs. Adams, Anderson, Bruton, Burns, Candler, Collier, Graham, Harris, Hinton, Holcombe, Lester, Merrill, Nesbitt, Smith 7th, Winn.

So the motion was laid on the table.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following bills, to wit:

A bill to require the Ordinary of Houston county to pay to the trustees of Perry Academy the sum of one thou-

sand dollars, from the school fund of said county, for the purpose of erecting a school house on the school lot, in the place of the school house destroyed by fire.

Also, a bill to change the corporate lines of the city of Cuthbert.

Also, a bill for the relief of the Union Branch Railroad Company.

Also, a bill to extend the corporate limits of the town of Washington, Wilkes county.

Also, a bill to add to and amend the 4779th section of the Revised Code of Georgia, in relation to the Police Court of the city of Savannah ; to increase and extend the jurisdiction of said Police Court, and to authorize said Police Court to take cognizance of certain criminal offenses, and to inflict the proper punishment therefor.

Also, a bill to amend the charter of the town of Athens, and various acts amendatory thereto.

Also, a bill to incorporate the Paramore Hill Manufacturing Company.

They have also concurred in the Senate amendments to the following bill of the House, to wit :

A bill to alter and amend an act entitled an act to organize a Criminal Court for each county in this State.

They have also passed the following bill of the Senate, to wit :

A bill to loan the credit of the State to the Dalton & Morgantown Railroad Company, and for other purposes.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President.

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following act, to wit :

An act to alter and amend an act entitled an act to organize a Criminal Court for the county of Banks and others in this State.

E. I. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following bill of the Senate:

A bill to be entitled an act to establish a system of public instruction, with an amendment, in the shape of a substitute, which is a bill to be entitled an act to establish a general school system throughout the State, in which amendment they ask the concurrence of the Senate.

They have also passed the following bills, to wit:

A bill to authorize the Atlanta & West Point Railroad Company to subscribe for stock in the Columbus & West Point Railroad Company.

Also, a bill to authorize Bartley J. McCants, a minor, to be made administrator *de bonis non* of the estate of Andrew McCants, &c.

Also, a bill to incorporate the Cherokee Building and Loan Association, the Forest City Mutual Loan Association, of Savannah, and the Railroad Mutual Building Association, of Savannah.

Also, a bill to provide for the removal of the seat of justice of Camden county, Georgia, from the town of Jefferson to the town of St. Marys or Satilla Mills, in said county.

They have also adopted the following resolution, to wit:

A resolution in reference to an appropriation of five thousand dollars to pay Samuel Bard, State Printer.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit:

Mr. President:

The Governor has approved and signed the following acts, to wit:

An act to incorporate the Planters' Accommodation Line Steamboat Company.

An act to incorporate the Georgia Mutual Aid Company, in the city of LaGrange, Troup county, Georgia, with certain rights and privileges.

An act to amend an act entitled an act to enable parties having claims against the Nashville & Chattanooga Railroad Company, in the State of Georgia, to perfect service upon said company, and for other purposes, assented to December 20, 1860.

An act to amend the several acts incorporating the town of Lafayette, &c.

An act to make valid the acts of certain Notaries Public of this State.

An act to authorize either party in a possessory warrant to give notice of an intention to *certiorari*, and the same shall operate as a *supersedeas* for ten days.

An act to change the time of holding the Superior Court of Bryan county.

Also, a resolution appointing commissioners to look after the future interest of the State in the Western & Atlantic Railroad.

Mr. Smith of the 36th District, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to provide for farming out the Penitentiary of the State, and for other purposes.

After debate the question was put, and the motion to reconsider was lost.

Mr. Merrill, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to authorize Edward S. Mann, of Gordon county, to peddle without license.

After debate the question was put, and the motion to reconsider was lost.

On motion the regular order was suspended, and the Senate took up the bill of the House authorizing the Ordinary of Greene county to levy an extra tax for county purposes.

On motion of Mr. Holcombe the bill was laid on the table for the balance of the session.

The regular order was further suspended, and the Senate took up, as the report of the Committee of the Whole, the

bill of the House to incorporate the Bainbridge, Cuthbert & Columbus Railroad Company, and for other purposes therein named.

After debate the question was put upon the passage of the bill; whereupon the yeas and nays were required to be recorded, and are yeas 19, nays 11.

Those voting in the affirmative are—

Messrs. Adkins, Anderson, Bowers, Brock, Bruton, Colman, Fain, Griffin 6th, Hungerford, Jones, Merrill, McCutchen, McWhorter, Nunnally, Smith 7th, Smith 36th, Speer, Wellborn, Welch, Wooten.

Those voting in the negative are—

Messrs. Anderson, Burns, Gignilliat, Graham, Harris, Hinton, Holcombe, Lester, Sherman, Stringer, Winn.

So the bill was passed.

Mr. Holcombe moved that when the Senate adjourns it meet again this P. M. at three o'clock, which motion was agreed to.

On motion the Secretary was directed to transmit the foregoing bill forthwith to the House of Representatives.

The Senate then took up the special order for the day, the same being the bill to prevent monopolies and to tax certain railroad stock.

On motion of Mr. Winn the bill was laid on the table.

The Senate then took up, as a special order, the bill to extend and regulate the law of set-off and recoupment, and to authorize damages to be set off in certain actions founded on contracts.

Mr. Nunnally proposed to amend by striking the proviso in section first, and to insert the following at the end of the sixth section, to wit:

“Provided, That no defendant shall receive any benefits of this bill, who, at the time of trial, is worth as much as at the time of the date of the contract.”

After debate, on motion of Mr. Wooten, the bill was laid on the table.

The Senate took up, as a special order, the bill in relation to the statute of limitations, and for other purposes.

Mr. Candler proposed to amend by striking out the words "within six months," wherever they occur in the bill, and insert the words "by first day of January, 1870," in lieu thereof, which proposed amendment was accepted.

Mr. Wooten proposed to amend by striking out all in the preamble from the word "and," in the second line, to the word "happiness" in the fifth line; also, to strike section first and insert the following in lieu thereof, to wit:

SECTION 1. *Be it therefore enacted by the General Assembly of Georgia,* That all acts of the Legislature of this State, and all ordinances of the Conventions of 1865 and 1868, which have the force and effect of law, which are retroactive in their character relative to the statute of limitations, shall be held by the courts of this State to be repealed, null and void, in all cases in which the statute had fully run before the passage of said retroactive legislation, which amendments were accepted.

Pending further action, the hour having arrived, the President announced the Senate adjourned until three o'clock, P. M.

TUESDAY AFTERNOON, 3 O'CLOCK, P. M.

The Senate met pursuant to adjournment and was called to order by the President.

Mr. Griffin of the 21st District asked leave of the Senate to have his vote recorded in the negative on the bill of the House (as passed this morning) "to aid the Brunswick & Albany Railroad Company," which permission was granted.

The Senate then took up and concurred in the resolution of the House in reference to the appropriation of five thousand dollars to pay Samuel Bard, State Printer.

On motion the Secretary was directed to transmit the resolution forthwith to the House of Representatives.

The following bill of the House was taken up and read the second time and referred to the Finance Committee. to wit:

A bill for raising a revenue for the political year 1869, and to appropriate money for the use of the government

during said year, and to make certain special appropriations, and for other purposes therein mentioned.

The Senate resumed the unfinished business of the day, the same being the bill in relation to the statute of limitations, and for other purposes.

Mr. Anderson moved to lay the bill on the table, which was not agreed to.

The bill, as amended, was then read the third time and passed.

On motion the Secretary was directed to transmit the bill forthwith to the House of Representatives.

On motion the regular order was suspended, and the Senate took up the bill of the House to amend the charter of the Columbus & Hamilton Railroad, assented to February 20, 1854.

The Committee on Internal Improvements, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to provide for and authorize an election of Mayor and Aldermen, Clerk of City Council and Marshal, of the city of Milledgeville.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

Mr. Merrill, from the Committee on the Judiciary, made the following report:

Mr. President:

The Committee on the Judiciary, to whom was referred a bill of the House of Representatives to change and fix the times of holding the Superior Courts of the county of Paulding, and for other purposes, recommend that the same do pass by amending the second section, by striking out the same, and making it the first section; also, strike out the words "March and September" and insert the words "May and November."

They recommend the passage of the following bill of the House, to wit:

A bill to make it a penal offense for owners or persons controlling billiard tables or ten-pin alleys to allow minors to play or roll on their tables or alleys without the consent of their parents or guardians.

W W MERRILL, Chairman.

Mr. Harris, from the Committee on Finance, made the following report:

Mr. President:

The Committee on Finance, to whom was referred "a bill to be entitled an act to allow John D. Wilkes, of the county of Macon, guardian of A. C. Felton, of Macon county, to settle with said ward," have had the same under consideration, and recommend that it do not pass.

Also, "a bill to be entitled an act for the relief of T. J. Murphy, T. F. Grubb and others, of the county of Upson; also, for the relief of S. K. O'Neal and others, of Talbot county," which they recommend do not pass.

Also, "a bill to be entitled an act for the relief of Zachariah Stephenson and others, securities on the Tax Collector's bond, in Talbot county, so far as relates to their liability for taxes going to said county," which they recommend do not pass.

JOHN HARRIS, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, their Clerk:

Mr. President:

The House of Representatives has concurred in the Senate amendments to the following bill of the House, except the amendment levying a tax on dogs, in which they refuse to concur, to wit:

A bill to be entitled "an act to levy and collect a tax for the support of the government for the year 1869, and for other purposes."

They have also adopted the following resolution, to wit:

A resolution setting apart Wednesday, the 10th instant, for the election of Domestic and Foreign Land and Immigration Commissioners.

Mr. McCutchen, chairman *pro tem.* of the Committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following resolution, to wit:

A resolution in reference to an appropriation of five thousand dollars to pay Samuel Bard, State Printer.

B. R. McCUTCHEN, Chairman *pro tem.*

Mr. Smith of the 36th District, from the Committee on New Counties and County Lines, made the following report:

Mr. President:

The Committee on New Counties and County Lines have had under consideration certain bills, and recommend that the following do pass, to wit:

A bill to change the line between the counties of Spalding and Henry, so as to add lot number 20, in the 3d district of Henry county, to Spalding.

A bill to change the line between the counties of Clay and Randolph.

A bill to repeal an act to change the line between the counties of Crawford and Upson.

A bill to change the line between the counties of Meriwether and Coweta.

A bill to change the line between the counties of Clinch and Coffee.

The following bills they recommend do not pass, to wit:

A bill to change the line between the counties of Johnson and Laurens.

A bill to change the line between the counties of Cobb and Paulding, in this State.

W. C. SMITH, Chairman.

Mr. Merrill, from the Judiciary Committee, made the following report:

Mr. President:

The Judiciary Committee, to whom was referred certain bills of the House and Senate, report that the following do pass, to wit:

A bill to add the county of Fayette to the Atlanta Judicial Circuit.

A bill to incorporate the Southern Masonic Assurance Society.

The following Senate bill they recommend do pass, with an amendment, to wit:

A bill to amend an act to incorporate the town of Bowdon, in the county of Carroll, and for other purposes therein mentioned, and to regulate the retail of spirituous liquors in a certain distance of the poor house in Atlanta.

W W MERRILL, Chairman.

Mr. McCutchen, chairman *pro tem.* of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following act:

An act to loan the credit of the State to the Dalton & Morgantown Railroad Company.

B. R. McCUTCHEEN, Chairman *pro tem.*

The Senate took up the House bill to amend the several acts incorporating the town of Forsyth, in the county of Monroe, and to extend the power of the commissioners of said town.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion the rule was suspended, and Mr. Jones offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That all Senate bills be taken up for a third

reading in their regular order, and the Clerk be required to state the number before reading said bills."

The Senate took up the bill to repeal and amend the 3525th section of Irwin's Revised Code, so far as the same relates to liens on real and personal property in the possession of *bona fide* purchasers for a valuable consideration, for which the Judiciary Committee reported the following as a substitute, which they recommend do pass in lieu of the original, to wit:

A bill to be entitled an act to so repeal the 3525th section of Irwin's Revised Code, so far as the same relates to liens created on property, real and personal, in the hands of *bona fide* purchasers for a valuable consideration.

WHEREAS, It is unjust and inequitable that property, real or personal, in the hands of *bona fide* purchasers for a valuable consideration, should be subject to be sold by virtue of judgment liens created prior to said transfer and sale of said property;

For remedy whereof—*The General Assembly of the State of Georgia do enact—*

SEC. 1. That, from and after the passage of this act, section 3525 of Irwin's Revised Code of Georgia be so altered and amended and repealed to read as follows: That all property, real and personal, in the possession of a *bona fide* purchaser for a valuable consideration, be, and the same is hereby, exempt from any lien created by virtue of any judgment, order or decree whatever that may have been created upon said property before the sale or purchase of the same.

SEC. 2. Repeals all conflicting laws.

The report of the committee was agreed to, and the substitute was passed in lieu of the original, under the following title, to wit:

"A bill to be entitled an act to so repeal the 3525th section of Irwin's Revised Code, so far as the same relates to liens created on property, real and personal, in the hands of *bona fide* purchasers for a valuable consideration."

The Senate then took up the message of the House on the resolution setting apart the 10th instant for the elec-

tion of Domestic and Foreign Commissioners, as required by the land and immigration bill.

On motion the resolution was concurred in, and the Secretary directed to transmit the same forthwith to the House of Representatives.

The Senate took up the message of the House on the Senate amendments to the bill of the House to levy and collect a tax for the support of the government for the year 1869, and for other purposes, to which said Senate amendments the House had concurred in, except the amendment levying a tax on dogs.

After debate Mr. Winn moved that the Senate recede from its said amendment; whereupon the yeas and nays were required to be recorded, and are yeas 17, nays 19.

Those voting in the affirmative are—

Messrs. Adams, Adkins, Brock, Burns, Candler, Corbitt, Dickey, Fain, Griffin 6th, Griffin 21st, Hinton, Holcombe, Jones, Smith 7th, Wellborn, Winn, Wooten.

Those voting in the negative are—

Messrs. Anderson, Bowers, Bruton, Colman, Collier, Gignilliat, Harris, Hungerford, Jordan, Lester, Merrill, McCutchen, McWhorter, Nesbitt, Nunnally, Sherman, Smith 36th, Speer, Stringer.

So the Senate refused to recede from the amendment relating to dogs.

The Senate took up the bill to prevent stock from running at large under certain circumstances.

On motion the bill was laid on the table.

On motion of Mr. Speer a seat upon the floor of the Senate was tendered to J. D. Stewart, Esq., during his stay in the city.

On motion of Mr. Wellborn a seat on the floor of the Senate was tendered to J. F. Deavers, Esq.

Mr. Speer offered the following resolution, which was taken up, read and adopted, to wit:

WHEREAS, The seal in the Secretary of State's office, known as the "office seal," has, from its long use, (since 1861) become so worn, and its impressions are so imperfect and indistinct, therefore

Be it resolved by the General Assembly of the State of Georgia, That the Secretary of State is hereby authorized and required to have the said seal renewed and re-engraved with the same devices as it now has, the expense of which shall be paid out of the contingent fund of 1869.

On motion the Secretary was directed to transmit the resolution forthwith to the House of Representatives.

The Senate took up the bill to change the law of evidence in this State.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to alter and amend the law in reference to arbitration and award.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

On motion the bill was laid on the table for the present.

The Senate took up the bill for the relief of debtors, and to authorize the adjustment of debts upon the principles of equity.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to prohibit the granting of licenses to retail ardent spirits in the county of Dawson, in this State.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to loan the credit of the State to the Cartersville & Van Wert Railroad Company.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back with the recommendation that it do pass with the following amendment, to wit:

“Strike out the words ‘fifteen thousand’ and insert in lieu thereof the words ‘twelve thousand.’”

The report of the committee was agreed to. The bill, as amended, was read the third time and passed.

Mr. Candler moved that the report, as made by the special joint committee charged with the duty of making certain inquiries, be made the special order for Thursday next, and that fifty copies of the same be printed for the use of the Senate, which was agreed to.

Mr. Lester offered the following resolution, to wit:

Resolved, That a seat upon the floor of the Senate is hereby tendered to Gen. A. R. Lawton during his stay in the city.

On motion the resolution was amended by adding the names of Col. Edmonson, of Macon, and Major J. M. B. Lovel.

The resolution, as amended, was then adopted.

Mr. Candler offered the following resolution, to wit:

Resolved by the General Assembly of this State, That E. Hulbert, Campbell Wallace and Mark A. Cooper be, and they are hereby, appointed a committee to negotiate for, contract and purchase from the owners, “the Rome Railroad,” leading from Kingston to Rome, for and on account of the State of Georgia, at a price not exceeding the sum of three hundred thousand dollars, and to provide for the extension thereof to the Alabama line, which contract of purchase shall be subject to the approval of the Governor of this State.

Mr. Hinton proposed the following amendment, to wit:

“*Provided*, That no contract entered into between the committee and the stockholders be binding until confirmed by the General Assembly.”

After debate the question was put upon the amendment of Mr. Hinton, which was agreed to, and the resolution, as amended, was adopted.

On motion the Secretary was directed to transmit the resolution forthwith to the House of Representatives.

The Senate took up the bill to repeal section 1st of article 6th of the Constitution of the State of Georgia.

The Committee on Education, to whom this bill was referred, reported the same back without recommendation.

On motion the bill was laid on the table.

The Senate took up the bill to amend an act to make permanent the site for the public buildings at the village of Gainesville, in the county of Hall, and to incorporate the same, with amendments, assented to severally November, 1821, 1823 and 1832, and for other purposes therein named.

The Committee on Internal Improvements, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill to incorporate the city of Covington, in the county of Newton; to define the corporate limits thereof, and for other purposes mentioned, approved February 17, 1854.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to enable Robert L. J. Grant, of the county of Fulton, to peddle in this State without license.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to incorporate the town of Spalding, in the county of Macon, and to confer upon the citizens of said town certain powers and privileges herein named.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion of Mr. Jones the Secretary was directed to transmit the bill forthwith to the House of Representatives.

The Senate took up the report of the Committee of the Whole on the bill to authorize W. R. Elder, of the county of Campbell, to peddle without license.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to add an additional section to the 11th division of the Penal Code of the State of Georgia.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

On motion the report of the committee was disagreed to, and the bill was lost.

The Senate took up the bill to amend the first section of an act entitled an act for the relief of debtors, and the adjustment of debts upon the principles of equity.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to facilitate settlements of co-partnerships dissolved by death of one or more partners.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to authorize the Ordinary of Glynn county to levy a tax on the State tax for county purposes.

The Finance Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to transfer the county of Scriven from the Middle to the Eastern Judicial Circuit.

The report of the committee was agreed to. The bill was read the third time and passed.

The following bills of the House of Representatives were taken up and read the first time, to wit:

A bill to relieve Thomas A. Grace and others of double tax for 1868, and for other purposes.

A bill to authorize the Atlanta & West Point Railroad

Company to subscribe for stock in the Columbus & West Point Railroad Company.

A bill to extend the corporate limits of the town of Washington, in the county of Wilkes.

A bill to require the Ordinary of Houston county to pay to the trustees of Perry Academy the sum of one thousand dollars, from the school fund of said county, for the purpose of erecting a school house on the school lot in the place of the school house destroyed by fire.

A bill to incorporate the Paramore Hill Manufacturing Company.

A bill to amend the charter of the town of Athens, and various acts amendatory thereto.

A bill to authorize Bartley J. McCombs, a minor, to be made administrator *de bonis non* of the estate of Andrew McCombs, &c.

A bill to change the corporate lines of the city of Cuthbert.

A bill for the relief of the Union Branch Railroad Company.

A bill to provide for the removal of the seat of justice of Camden county, Georgia, from the town of Jeffersonton to the town of St. Marys or Satilla Mills, in said county.

A bill to incorporate the Cherokee Building and Loan Association, the Forest City Mutual Loan Association, of Savannah, and the Railroad Building and Loan Association, of Savannah.

A bill to add to and amend section 4779 of the Revised Code of Georgia in relation to the Police Court of the city of Savannah; to increase and extend the jurisdiction of said Police Court, and to authorize said Police Court to take cognizance of certain criminal offenses and inflict the proper punishment therefor.

The rule was suspended, and the following bill was introduced and read the first time, to wit:

By Mr. Hinton—

A bill for the relief of Thomas W. and Nancy E. Lee, and for other purposes.

On motion the Senate adjourned until to-morrow morning at half past nine o'clock.

SENATE CHAMBER, ATLANTA, GA.,
Wednesday, March 10, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Hinton, Honorable Senator from the 24th District.

The roll was called and the Journal of the previous day was read and approved.

Mr. Nunnally moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to extend and regulate the law of set-off and recoupment, and to authorize damages to be set off in certain actions founded on contracts.

The motion to reconsider prevailed.

After debate, on motion of Mr. Wooten, the bill was referred to a special committee of three, consisting of Messrs. Nunnally, Harris and Candler.

Mr. Candler moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to enable Robert L. J. Grant, of the county of Fulton, to peddle without license.

The motion to reconsider prevailed.

Mr. Merrill moved to amend by inserting the name of Joseph Nowlan, a one legged man, of Carroll county.

Mr. Speer proposed to amend by inserting the names of N. M. Lewis, of Fulton county, James Maury, of Monroe county, and James M. Willis, Thomas B. Landers and W. J. Coats, of the county of Pike.

Mr. Anderson proposed to amend by striking out all other counties and insert "Fulton county."

The question was put upon the amendment of Mr. Anderson, which was lost.

The question was then put upon the amendment of Mr. Speer, which was not agreed to.

The question was then put upon the amendment of Mr. Merrill, which was lost.

The question was then put upon the passage of the bill, and the bill was passed.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following resolution, to wit :

A resolution setting apart Wednesday, the 10th instant, for the election of Foreign and Domestic Commissioners, as required by the land immigration bill.

E. I. HIGBEE, Chairman.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following act, to wit :

An act to require the Mayor and Aldermen of the city of Bainbridge to assess the value of the taxable property of said city, and for other purposes herein named.

E. I. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bills, to wit :

A bill to incorporate the Georgia Slate and Mining Company.

Also, a bill to incorporate the town of Social Circle, in the county of Walton, and for other purposes therein named.

Also, a bill to relieve certain blind citizens of this State from any tax.

Also, a bill to repeal an act to extend the corporate limits of the city of Marietta, in the county of Cobb, approved February 16, 1854.

Also, a bill to incorporate the Van's Valley Manufacturing Company.

They have also passed the following bill of the Senate, to wit:

A bill to require the Mayor and Aldermen of the city of Bainbridge to assess the value of the taxable property of said city, and for other purposes herein named.

They have also passed the following bills, to wit:

A bill extending the time for collection of taxes in Columbia county.

Also, a bill to authorize the City Council of Rome to subscribe stock in the Memphis Branch Railroad upon certain conditions, and for other purposes.

Also, a bill to amend an act entitled an act to amend an act incorporating the town of Thomasville, approved March 6, 1856.

Also, a bill to authorize suits against corporations to perfect service thereon, and for other purposes.

Also, a bill to incorporate the Georgia Water Mills Company, of Muscogee county, Georgia, for the manufacture of cotton, paper and other merchandise, and sale of the same.

They have also adopted the following resolution, to wit:

A resolution rescinding the joint resolution adjourning the General Assembly *sine die* on the 12th instant.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following resolution, to wit

A resolution rescinding the joint resolution adjourning the General Assembly *sine die* on the 12th instant.

E. I. HIGBEE, Chairman.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit:

Mr. President:

I am directed by the Governor to deliver to the Senate a communication in writing.

EXECUTIVE DEPARTMENT,

ATLANTA, GEORGIA, March 9, 1869.

To the General Assembly:

The following communication has been received from the Honorable William H. Seward, Secretary of State of the United States, and is herewith transmitted for the consideration of your honorable body:

“UNITED STATES OF AMERICA,

DEPARTMENT OF STATE.

“To all to whom these Presents shall come—Greeting:

“I certify that annexed is a true copy of a concurrent resolution of Congress, entitled ‘A resolution proposing an amendment to the Constitution of the United States, the original of which resolution, received to-day, is on file in this Department.

“In testimony whereof, I, William H. Seward, Secretary of State of the United States, have hereto subscribed my name and caused the seal of the Department of State to be affixed.

“Done at the City of Washington this twenty-seventh day of February, A. D. 1869, and of the independence of the United States of America the ninety-third.

“WILLIAM H. SEWARD.”

“Concurrent resolution received at Department of State February 27, 1869:

RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION
OF THE UNITED STATES.

*“Resolved by the Senate and House of Representatives of the
vited States of America in Congress assembled, (two-thirds
both Houses concurring,) That the following article be
oposed to the Legislatures of the several States, as an
endment to the Constitution of the United States, which,
en ratified by three-fourths of said Legislatures, shall
valid as part of the Constitution, namely :*

ARTICLE XV

“SEC. 1. The right of citizens of the United States to
ote shall not be denied or abridged by the United States,
r by any State, on account of race, color or previous
ondition of servitude.

“SEC. 2. The Congress shall have power to enforce this
rticle by appropriate legislation.

“SCHUYLER COLFAX,

Speaker of the House of Representatives.

“B. F. WADE,

President of the Senate *pro tempore*.

Attest :

“EDWARD MCPHERSON,

Clerk of House of Representatives.

“GEO. C. GORHAM,

Secretary of Senate United States.”

It is especially gratifying to learn, as I do from the pub-
shed proceedings of your honorable body, that Senators
nd Representatives, who have heretofore acted with a
olitical organization which adopted as one of its princi-
les a denunciation of the acts of a Republican Congress
s unconstitutional, revolutionary and void, should now
ive expression to their anxious desire to lose no time in
mbracing this opportunity of ratifying one of the funda-
ental principles of the Republican party, as herein pro-
osed by a joint resolution of a Republican Congress, and
very much regret that the preparation necessary for a
roper presentation of this subject to your honorable body

has necessarily caused a short delay, and thereby prolonged the suspense of those who are so anxious to concur.

This amendment is specially designed to secure political privileges to the colored man ; and whether its ratification by a General Assembly, which has already violently wrested from him a privilege to which he was constitutionally entitled in this State, will be recognized as valid by the power proposing it, unless accompanied by a reversal of the action by which these privileges were denied, is a question which we will not delay here to consider.

It is a source of gratification to the lovers of liberty, and of republican principles throughout the country, that Congress has given to us this further pledge that the declaration of our fathers—"all men are created equal"—shall be recognized as a reality, and that it is no longer a mere empty sound. The equal right of every man, either by himself or his elected representative, to participate in the framing of the laws by which he is to be governed, and in the selection of the persons who are to execute them, is the very foundation of republican government ; and that one race or color shall undertake to exclude from political privilege any other race or color is not only a practical denial of the principle on which our independence was originally declared, and the government subsequently founded, but displays a thirst for power, natural, it is true, to human nature, but by no means creditable to its sense of justice. "So use your own rights as not to interfere with the rights of others. The golden maxim of justice may be appropriate to the weak, but it does not apply to the powerful, when they may venture to evade the law, if its assertion is attempted, or to defy it, if it seems to be doubtful."

The colored race is free all over this broad land. One more step was needed, and this amendment, if adopted by three-fourths of the States represented in the Union, completes it. It will then be written in the fundamental law, above the strife of faction and beyond the reach of passion, that all men, without distinction of race or color, shall have equal political privileges.

Were there any doubt as to the sufficiency of this amendment to confer equal political privileges, without regard to race or color; were it urged that the right to vote did not necessarily include the right to hold office, it would certainly be dissipated and answered by the arguments advanced in the debates in Congress on the passage of the joint resolution proposing this amendment, as well as by the expressed opinion of the soundest lawyers in the nation.

It is thus demonstrated that the right to vote carries with it, by necessary implication, every other political privilege. That this is so, unless there be in the instrument by which it is conferred some positive provision denying it, is beyond all question. This amendment being adopted, and becoming a part of the Constitution of the United States, the right of the negro to vote will be guaranteed by the National Constitution, and as there is no restrictive qualification based upon birth, race or color in that instrument, except as to the offices of President, Vice-President and Senator, it follows that none can exist elsewhere, in any subordinate instrument, and all State laws or Constitutions making class qualifications for office, based upon race or color, become void.

A foreigner, disqualified from voting and from office-holding in his native country, may become a citizen of the United States, and, after due compliance with her laws, he is enfranchised. Immediately thereafter, he is eligible to any office to which he may be elected, except those of President, Vice-President and Senator. Can a native-born citizen, upon becoming enfranchised by the United States, be any less eligible? Certainly not; on the contrary a native-born negro, having been made a citizen and a voter by the National Constitution, will be eligible to offices which are denied by the Constitution to the enfranchised foreigner.

The adoption of this amendment will, therefore, be hailed as the final triumph of freedom and equal rights for all, and will blot out for ever all distinction in political rights, based upon race, color or previous condition as to slavery. Its adoption, by the nation, will be the consummation of

the progress of the last eight years towards a perfect accord between the theory of republicanism and its practical enforcement. This great and fundamental principle being incorporated in the National Constitution, it will be placed beyond the caprice and passion of the hour; so that, should the enthusiasm and love of the Union, which have been intensified by the triumph of the nation over secession and rebellion, ever become cool, it will not be possible for the local prejudice of caste, or race, or for partisan desires, to revive and re-establish an injustice that has already too long existed.

The fear is well grounded that even in those States where a large portion of the population is of the colored race, the white race will exercise their present superiority in wealth, education and other elements of power in such a manner that in a few years, should the iron hand of the nation be withdrawn, and the selfishness and prejudices of men left to their natural course, the strong would soon overcome the weak, and deny to them those rights which have been so dearly bought and are so highly prized.

The necessity which exists for a constitutional provision of the character of this proposed amendment cannot better be illustrated than by a reference to a bill which, a few days since, received the sanction of a majority of the members of both Houses of your honorable body, and which was sustained by a majority of the Senate in opposition to the Executive veto. It will be seen that even at this time, while the victorious armies, which gave freedom and the ballot to the bondman, are still within our borders, a disposition to grasp exclusive power and wrest the priceless boon of liberty from the weak and lowly is manifest in the bill referred to; for, by its provisions, a municipal government was to have been established in which no citizen was allowed to vote or hold office, unless he was "the owner of a lot." This character of legislation, if allowed to stand, would, without doubt, very rapidly extend, and all power would soon be usurped and absorbed by the land-owners. Measures, therefore, for the protection of the weak cannot come too soon.

In ratifying this proposed amendment to the Constitution of the United States, we should remember that we thereby renew, for ourselves, obligations which we have not heretofore fully recognized.

To be consistent, and to give evidence that we act in good faith, we must at once voluntarily yield to the colored citizens the right which has been wrested from them, and restore their representatives to their rightful positions, that their voices may be heard in your halls, and their votes recorded upon public measures.

Laws would then be enacted guaranteeing to them ample protection against the local prejudices which have been allowed heretofore to restrain them, by violence, intimidation and other equally effective means, from enjoying their rights, privileges and immunities as citizens entitled to all the consideration due to citizens of any other race in the pursuit of their lawful avocations.

The ratification of this amendment by your honorable body, and a recognition of its requirements as here indicated, together with those of the fourteenth amendment, which are as yet disregarded, will, I sincerely hope and confidently believe, secure for us full and complete recognition as a State, definitely settle our political differences, and set at rest, finally and forever, the feelings of uncertainty and insecurity which now excite and disturb a large portion of our people.

RUFUS B. BULLOCK, Governor.

On motion the message was taken up.

Mr. Winn then offered the following resolution, to wit:

WHEREAS, The Congress of the United States has, under the fifth article of the Constitution of the United States, proposed an amendment of said Constitution in the words following, to wit:

“1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color or previous condition of servitude;

“2. The Congress shall have power to enforce this article

by appropriate legislation, which amendment was approved on the 27th of February, 1869;" therefore be it

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the said amendment to the Constitution of the United States be, and the same is hereby, ratified and adopted.

Resolved further, That a certified copy of the foregoing preamble and resolution be forwarded by his Excellency the Governor to the President of the United States and to the Secretary of State of the United States.

Mr. Hungerford offered the following amendment, which was accepted by Mr. Winn, to wit:

WHEREAS, The fortieth Congress of the United States, by a joint resolution concurred in by two-thirds of both branches, has proposed to the Legislatures of the several States an amendment to the Constitution of the United States as follows:

"ARTICLE XV—Section 1.—The right of the citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color or previous condition of servitude.

"Sec. 2. The Congress shall have power to enforce this article by appropriate legislation;" be it therefore.

"Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the Legislature of the State of Georgia do hereby ratify the amendment proposed by Congress, as article 15, as part of the Constitution of the United States."

After debate Mr. Hinton moved to lay the whole subject on the table; whereupon the yeas and nays were required to be recorded, and are yeas 13, nays 16.

Those voting in the affirmative are—

Messrs. Adams, Andersön, Burns, Candler, Collier, Fain, Gignilliat, Hinton, Holcombe, Jordan, Lester, Moore and Wooten.

Those voting in the negative are—

Messrs. Adkins, Brock, Corbitt, Griffin 6th, Griffin 21st, Harris, Hungerford, Merrill, McCutchen, Nesbitt, Nunnally, Smith 7th, Smith 36th, Speer, Welch, Winn.

So the motion to lay on the table was lost.

After debate, on motion of Mr. Wooten, the whole subject-matter was made the special order for Friday next, immediately after the reading of the Journal.

The Senate took up the message of the House on the resolution rescinding the joint resolution adjourning the General Assembly on the 12th instant.

Mr. Harris moved that the Senate do now concur in the resolution of the House.

Mr. Wellborn moved to strike "Thursday" and insert "Tuesday" in lieu thereof.

After debate Mr. Moore moved to lay the resolution on the table; whereupon the yeas and nays were required to be recorded, and are yeas 15, nays 22.

Those voting in the affirmative are—

Messrs. Adams, Anderson, Bowers, Burns, Candler, Collier, Corbitt, Hinton, Holcombe, Moore, Smith 7th, Smith 36th, Stringer, Winn, Wooten.

Those voting in the negative are—

Messrs. Adkins, Brock, Bruton, Colman, Dickey, Fain, Gignilliat, Graham, Griffin 6th, Griffin 21st, Harris, Hungerford, Jones, Jordan, Lester, Merrill, McWhorter, Nesbitt, Nunnally, Speer, Wellborn, Welch.

So the motion to lay the resolution on the table did not prevail.

After debate the question was put upon the motion of Mr. Harris, which was agreed to, and the resolution concurred in.

On motion the Secretary was directed to transmit the action of the Senate forthwith to the House of Representatives.

Mr. Burns offered the following resolution, which was taken up, read and adopted, to wit:

WHEREAS, The immigration bill has not yet become a law; therefore

Resolved by the Senate, That the action of the Senate on yesterday, concurring in the House resolution setting apart to-day for the election of Commissioners of Immigration, be rescinded.

•

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following act, to wit :

An act to transfer the county of Scriven from the Middle to the Eastern Judicial Circuit.

E. I. HIGBEE, Chairman.

Mr. Hungerford offered the following resolution, to wit :

Resolved, That the bill granting State aid to the Brunswick & Albany Railroad be transmitted to the House.

Mr. Holcombe moved to amend by taking from the table the motion laying on the table the motion to reconsider the action of the Senate on the bill to aid the Brunswick & Albany Railroad.

The Chair decided that when a bill had been passed, and a motion to reconsider it had been made and laid on the table, the Senate then ceased to have any further control of the same.

Mr. Lester appealed from the decision of the Chair.

After debate the Chair put the question to the Senate and was sustained.

Mr. Hinton then offered the following resolution, to wit :

Resolved, That the Senate do rescind the action had on the bill in regard to the Brunswick & Albany Railroad.

The Chair decided the resolution not in order for the same reasons above stated.

Mr. Hinton appealed from the decision of the Chair.

After debate the question was put, and the decision of the Chair was sustained.

Mr. Candler then offered the following resolution, to wit :

WHEREAS, The Senate is desirous of reducing the amount of aid guaranteed to the Brunswick & Albany Railroad; and whereas, the Senate is now in possession of certain facts which were not known at the time of the passage of

the same; and whereas, the same has passed out of the custody and control of the Senate, thereby placing it out of the power of the Senate to make the desired amendment;

Be it therefore resolved, That the House of Representatives be requested to suffer the same withdrawn, and retransmitted to the Senate.

Pending action, the hour of adjournment having arrived, the President declared the Senate adjourned until to-morrow morning at 9½ o'clock.

SENATE CHAMBER, ATLANTA, GA.,
Thursday, March 11, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Adams, Honorable Senator from the 20th District.

The roll was called and the Journal of the previous day was read and approved.

On motion the rule was suspended, and Mr. Speer offered the following joint resolution, to wit:

WHEREAS, William Johnson & Son and George J. Lewis, of the town of Thomaston, and county of Upson, on the 12th day of May, 1868, had their entire stock of goods and merchandise destroyed by fire, the work of an incendiary; and whereas, according to law, they were compelled to give them in to the Tax Receiver after they were destroyed; and whereas, the said William Johnson & Son and George J. Lewis had invested their entire worth in said stock of goods, and are unable to pay the tax on the same without great detriment to their families; and whereas, it would be great injustice to require it; be it therefore

Resolved by the Senate and House of Representatives, That the said William Johnson & Son and George J. Lewis be relieved from all taxes, State and county, on said burned goods, and the Tax Collector of Upson county is hereby instructed not to collect the same.

Mr. Winn moved to refer the resolution to the Finance Committee, which was not agreed to.

After debate the question was put, and the resolution adopted.

On motion of Mr. Speer the Secretary was directed to transmit the same forthwith to the House of Representatives.

The rule was further suspended, and Mr. McWhorter offered the following resolution, which was taken up, read and adopted, to wit :

Resolved, That seats upon the floor of the Senate be tendered Major Lamar Cobb and Col. A. Irwin, of Athens, Georgia, during their stay in this city.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bills, to wit :

A bill to create a board of commissioners of roads and revenue in the county of Harris.

Also, a bill to issue bonds for county purposes for the county of Bibb.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following act, to wit :

An act to incorporate the Bainbridge, Cuthbert & Columbus Railroad Company, and for other purposes therein named.

E. I. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bills, to wit :

A bill to secure and regulate the collection of cost by Clerks and Sheriffs in this State.

Also, a bill to authorize William T. Jones and Isaac O. Bowers, minors, on certain conditions to plead and practice law in the State of Georgia.

Also, a bill to legalize and make valid the acts of the old Justices of the Peace who have held over.

Also, a bill to incorporate the Savannah and Tybee Telegraph Company, and for other purposes.

Also, a bill to authorize clerks of courts to amend *fi. fas.* and issue *alias* executions in certain cases.

They have also passed the following bill of the Senate, to wit :

A bill to loan the credit of the State to the Cartersville & Van Wert Railroad Company.

They have also concurred in the following joint resolution of the Senate, to wit :

A resolution providing for the refunding of over-paid taxes by J. F. Strickland for the State tax of 1866.

They have also passed, over the veto of the Executive by a constitutional majority of yeas 95, nays 31, the following resolution, to wit :

A resolution in reference to an appropriation of five thousand dollars to pay Samuel Bard, State Printer.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following acts, to wit :

An act to authorize the Court of Ordinary of Glynn county to levy a tax on the State tax for county purposes.

An act to facilitate settlements of co-partnerships dissolved by death of one or more of the partners.

An act to amend the charter of the Columbus & Hamilton Railroad Company, assented to February 20, 1854.

Also, an act to aid the Brunswick & Albany Railroad Company.

E. I. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following bills, to wit:

A bill to extend the time of the Tax Collector of Schley county.

Also, a bill to incorporate the Fourth District Court Ground, of Appling county.

Also, a bill to expedite the collection of taxes due on insolvent tax *fi. fas.*

Also, a bill to repeal an act authorizing the Ordinaries of certain counties to assess a tax to pay Clerks and Sheriffs now due in insolvent criminal cases, so far as relates to the county of Macon.

Also, a bill for the benefit of Dr. John M. C. Todd, of Chambers county, Alabama, authorizing him to erect a dam over the Chattahoochee River, in Harris county, Georgia, and for other purposes.

Also, a bill to alter and amend section 2518 of Irwin's Code.

Also, a bill for the relief of Isaiah Williams, of Dooley county.

Also, a bill to authorize William G. Stephens, and others therein named, to peddle without license.

Also, a bill for the relief of James W. Kemp and James W. Hill, securities on a penal bond in Sumter Superior Court.

Also, a bill to appropriate three hundred dollars to Rev. H. C. Hornady for services rendered in procuring supplies for the destitute of Georgia.

Also, a bill to open the Oconee River up to Parks' Mill.

Also, a bill to amend the Homestead Act, approved October 3, 1868.

Also, a bill to keep in repair the public roads of Burke county, and to levy an annual tax for that purpose.

Also, a bill to declare void the unauthorized sales of wild lands by Tax Collectors of the counties where the lands were located, and to direct the refunding of moneys received therefor.

The Senate then resumed the unfinished business of yesterday, the same being the consideration of the resolution, as offered by Mr. Candler, requesting the House of Representatives to return to the Senate, for certain amendments, the bill of the House to aid the Brunswick & Albany Railroad Company.

After debate Mr. Candler, by permission of the Senate, withdrew the resolution as offered by him on yesterday.

Mr. Candler then offered the following resolution, to wit:

WHEREAS, The Senate and House of Representatives have passed a bill to be entitled an act to aid the Brunswick & Albany Railroad Company, which has since been enrolled and transmitted to his Excellency the Governor, and is now in his possession awaiting his approval;

AND WHEREAS, There is reason to believe that action has been secured fraudulently; therefore

Be it resolved by the Senate and House of Representatives, That his Excellency the Governor be requested to return to the House of Representatives the said bill, that inquiry by this General Assembly be had whether its action upon said bill has been fraudulently secured, and if true, that said bill shall not become a law.

Mr. Hungerford offered the following as a substitute, to wit:

Resolved, That a committee of three be appointed to investigate the bill giving aid to the Brunswick & Albany Railroad Company, and request the Governor to withhold his signature until said committee report, and that said committee be compelled to report by March 13.

Mr. Speer offered the following as an amendment to the substitute of Mr. Hungerford, to wit:

Resolved further, That said committee be instructed to inquire what sums of money have been used by the Central Railroad & Banking Company, and the Southwestern Railroad Company, and the Atlantic & Gulf Railroad Company, or either of them, to defeat the passage of this bill, and to inquire and report what agents or attorneys said corporations, or either of them, have employed or had in their service lobbying or exerting their influence to defeat the passage of the bill granting aid to the Brunswick & Albany Railroad Company, and the names of all such attorneys or agents, and the amounts of money or other things paid or promised to each of said attorneys or agents, whether certain or contingent, for their services in defeating the bill; and that said committee do further inquire what sum or sums of money have been offered by said companies, or either of them, or any attorney or agent of either of them, to any Senator or Representative for his vote or his influence against the bill, or what other promises of favor or reward they or any of them have made or proposed to members of the General Assembly to secure their influence against the bill, or what offers have been made to any person for the benefit of members to influence their votes, and that said committee have power to send for persons and papers and swear witnesses.

After debate Mr. Hungorford moved to lay the whole subject on the table; whereupon the yeas and nays were required to be recorded, and are yeas 20, nays 19.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Brock, Colman, Corbitt, Dickey, Fain, Gignilliat, Griffin 6th, Higbee, Hungerford, Jones, McArthur, McWhorter, Nunnally, Sherman, Smith 36th, Speer, Welch, Wooten.

Those voting in the negative are—

Messrs. Adams, Anderson, Bruton, Burns, Candler, Collier, Graham, Griffin 21st, Harris, Hinton, Holcombe, Lester, McCutchen, Moore, Nesbitt, Smith 7th, Stringer, Wellborn, Winn.

So the resolution and amendments were laid on the table.

Mr. Wellborn moved that when the Senate adjourns it

met again at three o'clock this P. M., which was agreed to. Mr. Wellborn offered the following resolution, to wit:

Resolved, That as the Senator from the 42d District has asserted that a bill recently passed by the Senate is an infamous measure; and whereas, he further charges that a member of this General Assembly has been bribed into support of this measure by a certificate of stock, issued in his favor, of the Brunswick & Albany Railroad Company; that the Senator be required to state whether or not such person, so bribed, is a member of the Senate or the House, and if a member of the Senate, that he be required to state the name of such Senator, and to submit to the Senate the testimony upon which such charge is made, and that upon the refusal of the Senator to give such information, he be reprimanded and expelled.

Mr. Bruton offered the following as a substitute for the resolution of Mr. Wellborn, to wit:

That a committee of three from the Senate, and such number from the House as it may deem proper, be appointed, with full and complete powers, to investigate the charge of bribery against any member of this General Assembly.

After debate Mr. Hungerford moved to lay the whole upon the table, which was agreed to.

The rule was suspended, and Mr. Speer offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That from and after this day no Senator be permitted to speak exceeding ten minutes upon any subject, and not exceeding twice, and not the second time until every Senator who desires has been heard upon the subject, except by consent of the Senate.

The rule was suspended, and Mr. Moore offered the following, which resolution was taken up, read and adopted, to wit:

Resolved, That a seat on the floor of the Senate be tendered to General Lafayette McLaws during his stay in the city.

The Senate then took up the special order for the day, the same being the report of the joint special committee (as submitted on the 8th instant,) charged with the duty of inquiring whether, since the adjournment of the last session of the General Assembly, any original acts have been taken from the office and care of the Secretary of State; also, whether any money has been drawn from the treasury, except by appropriation made by law, &c.

The Senate took up, as first in order, the bill reported by the foregoing committee "to require the Secretary of State to keep a recorded list showing the number and title of all original acts of the General Assembly deposited in his office, and to provide a penalty for permitting such acts to be taken from his office, or to keep the list required."

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate then took up, as next in order, the first resolution, as reported by said joint special committee, as follows:

"Resolved by the Senate and House of Representatives, That the Attorney General be directed and required to bring suit upon the bonds of Madison Bell, Comptroller General, and N. L. Angier, Treasurer, and their securities, for the several amounts paid from the treasury within the period from August 11, 1868, to January 1, 1869, on Executive warrants countersigned by the said Comptroller General, and which are designated as unauthorized by law, in a report this day made by a special committee of the Senate and House of Representatives, of which Milton A. Candler is chairman, and adopted by the Senate and House of Representatives."

Pending action upon the above resolution, the hour having arrived, the President announced the Senate adjourned until three o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment and was called to order by the President.

he following bills of the House were taken up and severally read the first time, to wit :

. bill for the relief of Isaiah Williams, of Dooly county

. bill to open the Oconee River up to Parks' Mill.

. bill to alter and amend the 2518th section of Irwin's
e.

. bill to repeal an act authorizing the Ordinaries of certain counties to assess a tax to pay Clerks and Sheriffs now in insolvent criminal cases, so far as relates to the city of Macon.

. bill to declare void the unauthorized sale of wild lands Tax Collectors of the counties where the lands are located, and to direct the refunding of money received there-

A bill to keep in repair the public roads of Burke county, and to levy an annual tax for that purpose.

A bill to legalize and make valid the acts of the old Justices of the Peace who have held over.

A bill to issue bonds for county purposes for the county Bibb.

A bill to incorporate the Savannah and Tybee Telegraph Company, and for other purposes.

A bill to secure and regulate the collection of cost by Clerks and Sheriffs in this State.

A bill to create a board of commissioners of roads and revenue in the county of Harris.

A bill to authorize clerks of courts to amend *fi. fas.* and *ue alias* executions in certain cases.

A bill to authorize William T. Jones and Isaac O. Bowler, minors, on certain conditions to plead and practice law in the State of Georgia.

A bill to amend the Homestead Act, approved October 1868.

A bill to expedite the collection of taxes due on insolvent tax *fi. fas.*

A bill to incorporate the Fourth District Court Ground, Appling county.

A bill to extend the time of the Tax Collector of Schley county.

A bill for the relief of James W Kemp and James W Hill, securities on a penal bond in Sumter Superior Court.

A bill to amend an act entitled an act incorporating the town of Thomasville, approved March 6, 1856.

A bill to authorize William G. Stephens, and others therein named, to peddle without license.

A bill to authorize suits against corporations to perform service thereon, and for other purposes.

A bill to incorporate the Georgia Slate and Mining Company.

A bill to appropriate three hundred dollars to Rev. J. C. Hornady for services rendered in procuring supplies for the destitute of Georgia.

A bill to repeal an act entitled an act to extend the corporate limits of the city of Marietta, in the county of Cobb, approved February 16, 1854.

A bill to incorporate the Georgia Water Mills Company of Muscogee county, Georgia, for the Manufacture of cotton, paper and other merchandise, and sale of the same.

A bill to relieve certain blind citizens of this State from any tax.

A bill for the benefit of Doctor John M. C. Dodd, Chambers county, Alabama, authorizing him to erect a dam over the Chattahoochee River, in Harris county, Georgia, and for other purposes.

A bill to incorporate the town of Social Circle, in the county of Walton, and for other purposes therein named.

A bill to authorize the City Council of Rome to subscribe stock in the Memphis Branch Railroad upon certain conditions, and for other purposes.

A bill to incorporate the Van's Valley Manufacturing Company.

A bill extending the time for collection of taxes in Columbia county.

The following bills of the House were taken up and severally read the second time and referred to the Committee on the Judiciary, to wit:

A bill to add to and amend the 4779th section of the

vised Code of Georgia in relation to the Police Court of the city of Savannah; to increase and extend the jurisdiction of said Police Court, and to authorize said Police Court to take cognizance of certain criminal offenses, and to inflict the proper punishment therefor.

A bill to amend the charter of the town of Athens, and various acts amendatory thereto.

A bill to authorize Bartley J. McCombs, a minor, to be administrator *de bonis non* of the estate of Andrew McCombs, &c.

A bill to extend the corporate limits of the town of Washington, Wilkes county.

A bill to incorporate the Cherokee Building and Loan Association, the Forest City Mutual Loan Association, of Savannah, and the Railroad Mutual Building and Loan Association, of Savannah.

The following bill of the House was taken up and read a second time and referred to the Committee on Agriculture and Manufactures, to wit:

A bill to incorporate the Paramore Hill Manufacturing Company.

The following bill of the House was taken up and read a second time and referred to the Committee on Interimprovements, to wit:

A bill to provide for the removal of the seat of justice in Camden county, Georgia, from the town of Jeffersonton to the town of St. Marys, or Satilla Mills, in said county.

The following bill of the House was taken up and read a second time and referred to the Committee on Education, to wit:

A bill requiring the Ordinary of Houston county to pay the trustees of Perry Academy the sum of one thousand dollars, from the school fund of said county, for the purpose of erecting a school house on the school lot in the place of the school house destroyed by fire.

The following House bill was taken up and read the second time and referred to the Finance Committee, to

A bill to relieve Thomas A. Grace and others of double tax for 1868, and for other purposes.

The following bills of the House were taken up and severally read and referred to the Committee of the Whole, to wit:

A bill to change the corporate lines of the city of Cuthbert.

A bill for the relief of the Union Branch Railroad Company.

A bill to authorize the Atlanta & West Point Railroad Company to subscribe for the stock in the Columbus & West Point Railroad Company.

The following Senate bill was taken up and read the second time and referred to the Committee on the Judiciary, to wit:

A bill for the relief of Thomas W and Nancy E. Lee, and for other purposes.

The rules were suspended, and Mr. Hungerford introduced a bill to loan the credit of the State to the North Georgia Railroad, and for other purposes.

The following message was received from the House of Representatives through Mr Hardin, the Clerk thereof:

Mr. President:

The House of Representatives insists upon its disagreement to the amendment of the Senate to the bill of the House to be entitled an act to levy and collect a tax for the support of the government for the year 1869, and for other purposes, which amendment proposes to tax dogs, and they respectfully ask a committee of conference upon said disagreement.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following act:

“An act to loan the credit of the State to the Carters-
le & Van Wert Railroad Company.

E. I. HIGBEE, Chairman

Mr. Wellborn, from the Committee on Banks, made the
following report, to wit :

r. President :

The Committee on Banks, to whom was referred a bill to
be entitled an act to incorporate the Georgia Life Insurance
Company, and a bill to be entitled an act to incorporate
the City Bank of Albany, in the city of Albany, beg leave
to report the same back without recommendation.

C. J. WELLBORN, Chairman.

Mr. Merrill, from the Committee on the Judiciary, made
the following report :

r. President :

The Committee on the Judiciary, to whom was referred
certain bills of the House of Representatives, have had the
same under consideration, and recommend that the follow-
ing do pass, to wit :

A bill to authorize John C. Smith and William M. Pitts,
commissioners in the corporation of the town of Thomson,
in the county of Columbia, in this State, to order an elec-
tion for three additional commissioners of said town.

A bill to incorporate the Georgia Methodist Mutual Life
Insurance Company.

A bill for the relief of Fairman F. Tabor and his wife,
Louisa Jane Tabor, formerly Louisa Jane Patch.

A bill for the relief of William B. Heptinstall, of the
county of Chattooga.

A bill to reduce the amount of the official bonds of the
sheriffs of Irwin and Habersham counties.

A bill to allow T. B. Thompson to peddle without license.

A resolution to authorize the Governor to accept the
surrender of the charter of the Planters' Bank of the State
of Georgia.

A bill to authorize the town commissioners of the town

of Spring Place, Murray county, to issue license for the retail of ardent spirits, and for other purposes.

A bill to amend an act entitled an act to enlarge the boundaries of the town of LaGrange, and for other purposes, approved March 3, 1856.

The following bill of the House they recommend do pass, with a substitute in lieu thereof, to wit:

A bill to regulate the agencies of insurance companies not incorporated by the State of Georgia.

The following bills they recommend do not pass, to wit:

A bill to legalize the election of William J. Brown as Sheriff of Quitman county.

A bill to amend section 129 of Irwin's Code, and to require the Governor to issue commissions to all public officers upon their taking the oath in said section as amended—the oath of office—and the performance of such other acts as such officers as are now required by law.

The following bill they report back without recommendation, to wit:

A bill to repeal sections 1456, 1457, 1458, 1459, 1460 and 1461 of Irwin's Revised Code, so far as relates to the counties of Monroe, Morgan, Macon and Houston, and for other purposes.

The following Senate bills they recommend do pass, to wit:

A bill to prescribe the manner of distributing money arising from fines and forfeitures.

A bill to amend the several acts incorporating the city of Brunswick.

A bill to incorporate the town of Cochran, in the county of Pulaski, State of Georgia.

The following bills they recommend do not pass, to wit:

A bill to give the Superior Courts of this State jurisdiction in certain cases of nuisance.

A bill to provide for the election of persons to fill vacancies in civil offices of this State where the present incumbents are disqualified under the third section of the fourteenth article of the constitutional amendment of the United States.

A bill to prevent homicides and mitigate the evils arising therefrom.

A bill to change the regular time of the meeting of the General Assembly.

W. W. MERRILL, Chairman.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit:

Mr. President:

The Governor has approved and signed the following act, to wit:

“An act to require the Mayor and Aldermen of the city of Bainbridge to assess the value of the taxable property of said city, and for other purposes herein named.”

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following act, to wit:

An act to amend the several acts incorporating the town of Forsyth, in the county of Monroe, and to extend the power of the commissioners of said town.

E. I. HIGBEE, Chairman.

Mr. Holcombe, chairman of the Committee on Agriculture and Manufactures, made the following report:

Mr. President:

The Committee on Agriculture and Manufactures have had under consideration the following bills, to wit:

A bill to be entitled an act to incorporate the Muscogee Manufacturing Company, of Columbus, Georgia, which the committee recommend do pass, after amending by striking out the 9th section.

Also, a bill to be entitled an act to incorporate the Plan-

ters' Acid and Phosphate Manufacturing Company of Georgia, which they recommend do pass, with the following amendment in the sixth section and fifth line, by striking from the words "points and places" the letter "s," making it read "point and place."

A. W. HOLCOMBE, Chairman.

Mr. Speer offered the following resolution, to wit :

Resolved, That T. D. Wright be requested to have three hundred additional copies of the report of the joint committee upon the Western & Atlantic Railroad printed for the use of the Senate.

Senator Richardson was granted leave of absence for a few days, on account of sickness.

Mr. Lester offered the following resolution, which was taken up, read and adopted, to wit :

Resolved, That the Hon. Henry S. Fitch, United States District Attorney for Georgia, be invited to a seat upon the floor of the Senate during his stay in the city.

Mr. Griffin of the 21st District offered the following resolution, which was taken up, read and adopted, to wit :

Resolved, That a seat upon the floor of the Senate be tendered to Rev. Dr. Lovick Pierce during his stay in this city.

The Senate then resumed the unfinished business of the day, the same being the first resolution reported by the special joint committee, as heretofore stated.

Mr. Merrill offered the following as a substitute, to wit :

WHEREAS, The Governor drew warrants for the sum of sixteen thousand and twenty-two dollars and seventy-five cents, which amounts were countersigned by the Comptroller, and paid by the Treasurer, for which there had been no appropriation made by law, and it appearing, upon examination, that the same was for debts due by, and services rendered to, the State ; be it therefore

Resolved by the General Assembly, That the Finance Committee be directed to provide a section in the appropriation bill for a sum sufficient to meet the same.

Mr. Adkins offered the following as a substitute for the whole, to wit :

Resolved, Inasmuch as all the acts of the Governor, as the acts of the Comptroller and Treasurer, in reference to the expenditures investigated by the joint committee of this General Assembly were prompted by a desire to subserve the public service and justly paid over to those entitled thereto, therefore, we, the Senate and House of Representatives in session assembled, do hereby legalize and ratify the same.

After debate Mr. Nunnally moved to refer the whole subject to a special committee of three, with instructions to report such remedy as in their judgment will avoid a repetition of the difficulty.

After debate the question was put upon the motion of Mr. Nunnally; which was agreed to.

The Chair announced as the committee under the foregoing Messrs. Winn, Graham and Hinton.

The Senate took up the bill to incorporate the City Bank of Albany, in the city of Albany.

On motion the word "twenty-five" in the sixth section was stricken out and the word "fifty" inserted in lieu thereof.

The Committee on Banks, to whom this bill was referred, reported the same back without recommendation; and upon the question shall this bill now pass—a constitutional majority being required to pass the same—the yeas and nays were required to be recorded, and are yeas 19, nays 6.

Those voting in the affirmative are—

Messrs. Adams, Adkins, Anderson, Burns, Collier, Graham, Griffin 6th, Griffin 21st, Hinton, Lester, Moore, Nesbitt, Nunnally, Sherman, Smith 7th, Smith 36th, Wellborn, Welch, Wooten.

Those voting in the negative are—

Messrs. Bowers, Bruton, Dickey, Harris, Holcombe, Winn.

So the bill was passed by a constitutional majority.

On motion the Secretary was directed to transmit the bill forthwith to the House of Representatives.

Mr. Moore offered the following resolution, which was laid on the table, to wit :

Resolved, That hereafter the Senate have two sessions daily, to meet at 9 A. M. and 3 o'clock P. M.

Mr. Bruton offered the following resolution, which was taken up, read and adopted, to wit :

Resolved, That the committee appointed to investigate and report as to the State's interest in the Atlantic & Gulf Railroad Company be, and they are hereby, directed forthwith to report the result of their investigation, and that they then be discharged.

Mr. Burns offered the following resolution, which was taken up, read and adopted, to wit :

WHEREAS, An act entitled an act to lend the aid of the State to the Cartersville & Van Wert Railroad, there was an oversight by which serious injury might be done the State ; therefore be it

Resolved by the Senate and House of Representatives in General Assembly met, That the Governor be respectfully requested to return said act to the Senate that it may be amended.

The Senate took up the message of the House insisting upon its disagreement to the amendment of the Senate to the bill of the House "to be entitled an act to levy and collect a tax for the support of the government for the year 1869, and for other purposes," which Senate amendment proposes a tax on dogs, and asking a committee of conference upon said disagreement.

Mr. Harris moved that a committee of three be appointed, on the part of the Senate, to confer with such number as may be appointed by the House upon said disagreement, which motion was agreed to.

The Chair announced as such committee, on the part of the Senate, Messrs. Harris, Speer and Moore.

The Senate took up the bill to change the regular time of the meeting of the General Assembly of Georgia.

Mr. Smith of the 36th District moved to strike out "second Wednesday in July" and insert "second Wednesday in November."

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to explain section 813 of Irwin's Code.

The Finance Committee, to whom this bill was referred, reported the same back without recommendation.

On motion the bill was read the third time and passed.

The Senate took up the bill to prevent homicides and mitigate the evils arising therefrom.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to incorporate the Georgia and Alabama Steamboat Company.

The Committee on Internal Improvements, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to amend section 2741 of the Code.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to dispose of money arising from fines and forfeitures in the new Criminal Courts of this State.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage, with the following amendment, to wit:

Strike out all after the word "disbursements," in the first section, and insert the following, to wit: "To the clerk of the board of commissioners of roads and revenue of their respective counties, annually, to be by said clerk entered upon the minutes of said board."

The report of the committee was agreed to. The bill, as amended, was read the third time and passed.

The Senate took up the bill to incorporate the Augusta & Hartwell Railroad Company.

The Committee on Internal Improvements, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to fix the salaries of members of the General Assembly.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to amend section 3763 of the Code of Georgia.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to repeal an act authorizing the Ordinaries in certain counties to assess a tax to pay cost now due Clerks and Sheriffs in insolvent criminal cases, so far as relates to the county of Macon.

The Finance Committee, to whom this bill was referred, reported in favor of its passage.

On motion the bill was laid on the table.

The Senate took up the bill to prescribe the manner of distributing money arising from fines and forfeitures.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third and passed.

The Senate took up the bill to add the county of Fayette to the Atlanta Judicial Circuit.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to amend section 178 of Irwin's Revised Code, relating to the payment of members of the General Assembly.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to amend the charter of the town of Athens, and various acts amendatory thereof.

The Judiciary Committee, to whom this bill was referred, reported the same back without recommendation.

On motion the bill was laid on the table.

The Senate took up the report of the Committee of the Whole on the bill to incorporate a railroad company to be called the Bainbridge & Chattahoochee Railroad Company.

On motion the blank in section third, after the word company in second line, was filled with the words "one million;" also, in the sixth line of same section the blank was filled with the words "fifty thousand;" also, in the eighteenth line of the 4th section the blank was filled with the word "Belview."

The report of the committee was agreed to. The bill, as perfected, was read the third time and passed.

The Senate took up the bill to amend the several acts incorporating the city of Brunswick.

On motion of Mr. Colman the words from the word "applicant," in the 14th line, to the word "but," in the 17th line, were stricken out.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee, as amended, was agreed to. The bill was read the third time and passed.

The Senate took up the bill to incorporate the town of Cochran, in the county of Pulaski, State of Georgia.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

On motion the Senate adjourned until to-morrow morning at half past nine o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Friday, March 12, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Hinton, Honorable Senator from the 24th District.

The roll was called and the Journal of the previous day was read and approved.

The following bills of the House were taken up and severally read the second time and referred to the Committee of the Whole, to wit :

A bill to incorporate the Savannah and Tybee Telegraph Company, and for other purposes.

A bill to legalize and make valid the acts of the old Justices of the Peace who have held over.

A bill to keep in repair the public roads of Burke county, and to levy an annual tax for that purpose.

A bill to declare void the unauthorized sales of wild lands by Tax Collectors of the counties where the lands were located, and to direct the refunding of moneys received therefor.

A bill to repeal an act authorizing the Ordinaries of certain counties to assess a tax to pay Clerks and Sheriffs now due in insolvent criminal cases, so far as relates to the county of Macon.

A bill to alter and amend the 2518th section of Irwin's Code.

A bill to create a board of commissioners of roads and revenue in the county of Harris.

A bill to open the Oconee River up to Parks' Mill.

A bill to amend the Homestead Act, approved October 3, 1868.

A bill to expedite the collection of taxes due on insolvent tax *fi. fas.*

A bill for the relief of James W Kemp and James W Hill, securities on a penal bond in Sumter Superior Court.

A bill to authorize William G. Stephens, and others therein named, to peddle without license.

A bill to incorporate the Fourth District Court Ground, of Appling county.

A bill to extend the time of the Tax Collector of Schley county.

A bill to amend an act entitled an act to amend an act incorporating the town of Thomasville, approved March 6, 1856.

A bill to incorporate the "Georgia Water Mills Company," of Muscogee county, Georgia, for the manufacture of cotton, paper and other merchandise, and sale of same.

A bill to authorize suits against corporations; to perfect service thereon, and for other purposes.

A bill to incorporate the Georgia Slate and Mining Company.

A bill to relieve certain blind citizens of this State from any tax.

A bill for the benefit of Dr. John M. C. Dodd, of Chambers county, Alabama, authorizing him to erect a dam over the Chattahoochee River, in Harris county, Georgia, and for other purposes.

A bill to incorporate the town of Social Circle, in the county of Walton, and for other purposes therein named.

A bill to authorize the City Council of Rome to subscribe stock in the Memphis Branch Railroad upon certain conditions, and for other purposes.

A bill to incorporate the Van's Valley Manufacturing Company.

A bill to appropriate three hundred dollars to Rev. H. C. Hornady for services rendered in procuring supplies for the destitute of Georgia.

A bill extending the time for the collection of taxes in Columbia county.

A bill to issue bonds for county purposes for the county of Bibb.

A bill to authorize clerks of courts to amend *fi. fas.* and issue *alias* executions in certain cases.

A bill to authorize William T. Jones and Isaac O. Bowers, minors, on certain conditions to plead and practice law in the State of Georgia.

A bill to secure and regulate the collection of cost by Clerks and Sheriffs in this State.

The following bill of the House was taken up and read the second time and referred to the Committee on Finance, to wit :

A bill for the relief of Isaiah Williams, of Dooly county.

The following bill of the House was taken up and read the second time and referred to the Committee on Education, to wit :

A bill to repeal an act entitled an act to extend the corporate limits of the city of Marietta, in the county of Cobb, approved February 16, 1854.

The following bill was taken up and read the second time and referred to the Committee of the Whole, to wit :

A bill to loan the credit of the State to the North Georgia Railroad, and for other purposes.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bill, to wit :

A bill to determine land lines in this State, and to define the duties of County Surveyors in running the same.

They have also adopted the following resolution, to wit :

A resolution authorizing the election of Commissioners of Foreign Immigration.

They have also passed, over the veto of the Executive, by a constitutional majority of yeas 84, nays 33, the following bill, to wit :

A bill to incorporate the town of Jonesboro', in the county of Clayton, and an act amendatory thereof.

Mr. Gignilliat, from the Committee on Petitions, to whom

was referred the petition of the board of directors of the Atlantic & Gulf Railroad, made the following report:

Mr. President:

The undersigned, a majority of the Committee on Petitions, to whom was referred the petition of the board of directors of the Atlantic & Gulf Railroad, beg leave to report that they recommend that the prayer of the petitioners be granted, and that the accompanying resolution authorizing the commissioners of the State to approve and confirm the purchase of the stock of the city of Savannah by the Atlantic & Gulf Railroad, in said road, be passed.

(Signed)

W. ROBT. GIGNILLAT,
JOSHUA GRIFFIN,
W. T. McARTHUR.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has concurred in the following resolutions of the Senate, to wit:

A resolution authorizing the Secretary of State to have his "office seal" renewed.

Also, a joint resolution for the relief of William Johnson & Son and George J. Lewis, of Upson county.

Also, a resolution asking his Excellency the Governor to return to the Senate a bill to loan the credit of the State to the Cartersville & Van Wert Railroad Company.

Mr. Harris, from the Committee on Finance, made the following report:

Mr. President:

The Committee on Finance, to whom was referred "a bill to be entitled an act for the relief of John E. Price, William Pilcher and Robert C. Black, as securities on the bond of Samuel Dawson, deceased, late Sheriff of Sumter county," have had the same under consideration, and report it back without recommendation.

Also, "a bill to be entitled an act for raising a revenue for the political year eighteen hundred and sixty-nine, and to appropriate money for the use of the government during said year, and to make certain special appropriations, and for other purposes therein mentioned," which they recommend do pass with the following amendments, to wit:

Amend first section, sixteenth line, by inserting between the words services and "that his Excellency the Governor be authorized to employ such additional assistance in the Executive Department as he may deem necessary, at any time, not to exceed three, and that he draw his warrant on the Treasurer to pay for the same out of any money not otherwise appropriated; *Provided*, Said clerks shall not be entitled to more than one hundred and fifty dollars per month."

Also, amendment, to come in at the end of the first section, "that the Governor is also required to draw his warrant upon the Treasurer, quarterly, for the salary of the Attorney General that may be fixed by law, as in cases for Judges of the Superior Court."

Also, strike out the word "six," in the twentieth line of the first section, and insert in lieu thereof the word "twelve."

Also, strike out the word "currency," in the 24th line of the first section, and insert in lieu thereof the words "specie or its equivalent in currency."

Also, strike out the word "currency," in the thirty-first line of the first section, and insert in lieu thereof the words "specie or its equivalent in currency."

Also, amend second section, second line, by inserting, after the word "dollars," and before the word "be," the words "or such sum as may be necessary."

Also, to come in at the end of the fourth section, "that the sum of three hundred dollars be appropriated to J. C. Hendricks, assistant secretary of the Senate, L. Carrington, assistant clerk of the House, J. G. W. Mills, journalizing clerk of the Senate, and H. F. Merrill, journalizing clerk of the House, as additional compensation for each, to be drawn respectively under the warrant of the President of

the Senate and the Speaker of the House of Representatives.

Also, strike out the word "each" in the first line of the tenth section.

Also, strike out the words "Senate and," in the third and fourth lines of the tenth section.

Also, strike out the word "sixteen," in the first, fourth and sixth lines of the eleventh section, and insert in lieu thereof the word "twelve."

Also, strike out the word "twelve," in the second line of the fourteenth section, and insert in lieu thereof the word "eight."

Also, strike out all of section fourteen and a half.

They also recommend the adoption of the following as an additional section, to be known as section twenty-two:

"That the further sum of (\$1,000) one thousand dollars be, and is hereby, appropriated for the repair of injured volumes, and the purchase of new books for the State library, the same to be expended under the authority of the Governor."

They also recommend the adoption of the following as an additional section, to be known as section twenty-three:

"That in all cases where the performance of any service or labor required by law, for which no provision is made for compensation, the Governor is hereby authorized to draw his warrant upon the Treasurer for such sum or sums as in his judgment may be a just compensation."

JOHN HARRIS, Chairman.

Mr. Burns offered the following resolution, which was taken upon, read and adopted, to wit:

Resolved by the General Assembly of Georgia, That the true intent and meaning of "a bill to be entitled an act to loan the credit of the State to the Cartersville & Van Wert Railroad Company," passed during the present session of the Legislature, is that the credit of the State shall be extended to that portion of the road only lying between Cartersville and Van Wert, and that the Governor is

hereby restricted, in the endorsement of the credit of the State, to that portion only.

On motion the Secretary was directed to transmit the resolution forthwith to the House of Representatives.

Senator Harris was granted leave of absence for a few days.

Mr. Griffin of the 21st District offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That a seat upon the floor of the Senate be tendered to the Honorable Samuel F. Gove, member of Congress, during his sojourn in the city.

The Senate then took up the special order for the day, the same being the resolution, as offered by Mr. Winn on Wednesday last, proposing to ratify the fifteenth amendment to the Constitution of the United States.

Mr. Wooten moved to discharge the same until the Senate shall be notified of the action of the House thereon.

After debate the previous question was called, and being sustained, the main question was ordered upon the motion of Mr. Wooten, which was lost.

After debate Mr. Nunnally moved to postpone action for the present, which was not agreed to.

After debate the question was put upon the passage of the resolution; whereupon the yeas and nays were required to be recorded, and are yeas 21, nays 16.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Brock, Colman, Corbitt, Dickey, Griffin 21st, Harris, Hungerford, Jones, Jordan, Merrill, McCutchen, McWhorter, Sherman, Smith 7th, Smith 36th, Speer, Stringer, Welch, Winn.

Those voting in the negative are—

Messrs. Adams, Anderson, Burns, Candler, Collier, Gignilliat, Graham, Griffin 6th, Hinton, Holcombe, Lester, Moore, Nesbitt, Nunnally, Wellborn, Wooten.

So the resolution was past.

Mr. Smith of the 7th District was granted leave to have the following spread upon the Journal, to wit:

Mr. President.

"Upon the ratification of the proposed amendment to the Constitution of the United States, to be known as article 15th, the undersigned votes yes, under the following construction, which I ask to be spread upon the Journal of the Senate, to wit:

"The colored man having heretofore had no political rights, they must be granted to him by express statute, and not by implication. Therefore the proposed amendment does not confer upon him the right to hold office; otherwise, I would vote no."

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tem.*:

Mr. President:

The House of Representatives has concurred in the following resolution of the Senate, which I am instructed to transmit forthwith to the Senate.

A resolution explanatory of the true intent and meaning of a bill to be entitled an act to loan the credit of the State to the Cartersville & Van Wert Railroad Company, passed during the present session of the Legislature.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit:

Mr. President:

The Governor has approved and signed the following resolution, to wit:

"A Resolution explanatory of the true intent and meaning of a bill to be entitled an act to loan the credit of the State to the Cartersville & Van Wert Railroad Company, passed during the present session of the Legislature."

Also, "an act to loan the credit of the State to the Cartersville & Van Wert Railroad Company," subject to the joint resolution of the General Assembly, adopted March 12, 1869, explanatory of the true intent and meaning of this bill.

The Senate took up the report of the Finance Committee on the bill of the House for raising a revenue for the political year 1869, and to appropriate money for the use of the government during said year, and to make certain special appropriations, and for other purposes.

On motion of Mr. Harris the bill was taken up by sections.

Mr. Wellborn called for a division of the amendments. The division was allowed.

Mr. Burns proposed to strike out the word "three," in the first amendment to first section, and insert the word "one;" whereupon the yeas and nays were required to be recorded, and are yeas 18, nays 17.

Those voting in the affirmative are—

Messrs. Adams, Anderson, Burns, Candler, Collier, Corbitt, Gignilliat, Graham, Griffin 6th, Griffin 21st, Hinton, Lester, McCutchen, Moore, Nesbitt, Stringer, Wellborn, Winn.

Those voting in the negative are—

Messrs. Adkins, Bowers, Brock, Bruton, Colman, Dickey, Harris, Higbee, Hungerford, Jones, Merrill, McWhorter, Nunnally, Sherman, Smith 7th, Smith 36th, Welch.

So the word "three" was stricken out, and the word "one" inserted in lieu thereof.

On motion of Mr. Harris the second amendment to section first was withdrawn.

Third amendment, as reported by the committee, was then adopted.

The fourth and fifth amendments, as reported by the committee, were then adopted.

Section first, as amended, was then adopted.

Section second was taken up and read.

Mr. Wellborn proposed to amend the report of the committee by inserting after the word "sum" the word "thereof," which was agreed to.

Section second was then adopted, as amended.

Section third was taken up.

Mr. Burns moved to strike out the word "twelve" before "dollars," and insert the word "nine;" also, to strike

out the word "nine," and insert the word "seven," which was not agreed to.

Mr. Nunnally proposed to amend by inserting the following, to wit:

"That the members shall receive for mileage only the actual necessary expenses coming to and returning from the capital."

After debate the question was put upon the amendment of Mr. Nunnally, which was lost.

Section third was then adopted.

Section fourth was then taken up.

Mr. Hinton offered the following amendment, to come in at the end of the section, to wit:

That the sum of five hundred dollars each be appropriated to A. E. Marshall, Secretary of the Senate, M. A. Hardin, Clerk of the House of Representatives, as compensation for extra services during the present session of the General Assembly, to be drawn on the warrants of the President of the Senate and Speaker of the House of Representatives.

Mr. Speer offered the following as a substitute for the amendment, as reported by the committee, to section fourth, to wit:

"And the sum of five hundred dollars each be appropriated to John C. Hendricks, assistant secretary of the Senate, J. G. W. Mills, journalizing clerk of the Senate, Lafayette Carrington, assistant clerk of the House of Representatives, and Henry F. Merrill, journalizing clerk of the House, as additional compensation to be drawn respectively upon the warrants of the President of the Senate and Speaker of the House of Representatives."

The question was divided, and the vote first ordered to be taken upon the proposition relating to the assistant secretary of the Senate and assistant clerk of the House; whereupon the yeas and nays were required to be recorded, and are yeas 17, nays 13.

Those voting in the affirmative are—

Messrs. Bowers, Dickey, Griffin 6th, Griffin 21st, Harris, Hinton Hungerford, Jones, Jordan, Merrill, McWhorter,

Nunnally, Sherman, Smith 7th, Smith 36th, Speer, Welch.

Those voting in the negative are—

Messrs. Adkins, Anderson, Brock, Burns, Candler, Colman, Collier, Gignilliat, Graham, Lester, McCutchen, Nesbitt, Winn.

So that part of the substitute relating to the assistant secretaries was adopted.

The question was next ordered to be put upon the remaining part of the substitute relating to the journalizing clerks of the Senate and House of Representatives ; whereupon the yeas and nays were required to be recorded, and are yeas 23, nays 9.

Those voting in the affirmative are—

Messrs. Bowers, Candler, Colman, Dickey, Gignilliat, Graham, Griffin 6th, Griffin 21st, Harris, Higbee, Hinton, Hungerford, Jones, Jordan, Lester, Merrill, McWhorter, Nunnally, Sherman, Smith 7th, Smith 36th, Speer, Welch.

Those voting in the negative are—

Messrs. Adkins, Anderson, Brock, Burns, Collier, Corbitt, McCutchen, Nesbitt, Winn.

So the substitute, as offered by Mr. Speer, was adopted as a whole.

The question was then put upon the amendment as offered by Mr. Hinton ; whereupon the yeas and nays were required to be recorded, and are yeas 15, nays 17.

Those voting in the affirmative are—

Messrs. Dickey, Fain, Griffin 6th, Griffin 21st, Harris, Hinton, Hungerford, Jones, Jordan, Lester, Merrill, McWhorter, Nunnally, Sherman, Smith 36th, Speer, Welch, Wooten.

Those voting in the negative are—

Messrs. Adkins, Anderson, Bowers, Brock, Burns, Candler, Colman, Collier, Corbitt, Gignilliat, Graham, McCutchen, Nesbitt, Smith 7th, Winn.

So the amendment, as proposed by Mr. Hinton, was adopted.

Mr. Bruton proposed to amend section fourth as follows :

“And the sum of five hundred dollars to B. S. Cleghorn,

clerk in the House of Representatives;" whereupon the yeas and nays were required to be recorded, and are yeas 15, nays 17.

Those voting in the affirmative are—

Messrs. Bruton, Burns, Candler, Collier, Gignilliat, Graham, Hinton, Hungerford, Jones, Lester, Nesbitt, Smith 7th, Smith 36th, Speer, Winn.

Those voting in the negative are—

Messrs. Adkins, Anderson, Bowers, Brock, Colman, Corbitt, Dickey, Griffin 6th, Griffin 21st, Harris, Jordan, Merrill, McCutchen, McWhorter, Nunnally, Sherman, Welch.

So the motion of Mr. Bruton was lost.

Pending further consideration of the bill, the hour having arrived, the President announced the Senate adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment and was called to order by the President.

Mr. Holcombe called to the chair.

The Senate resumed the unfinished business, the same being the bill of the House to raise a revenue for the political year 1869, &c.

The question was put upon section fourth, as amended, and the same, as amended, was adopted.

Section fifth was taken up.

Mr. Winn moved to strike out all after the word "Assembly," in the fifth line, which was not agreed to.

Section fifth was then adopted.

Sections sixth, seventh, eighth and ninth were taken up, read and adopted.

Section tenth was taken up.

The report of the committee was agreed to, and the section, as amended, was adopted.

Section eleventh was taken up.

The report of the committee was rejected, and the section was adopted.

Sections twelfth and thirteenth were taken up, read and adopted.

Section fourteenth was taken up.

Mr. Nunnally proposed the following amendment, to come in at the end of section, to wit:

“And this appropriation shall be the only amount allowed said institution for the year 1869.”

Mr. Harris moved to strike out the section, which was agreed to.

Section fourteen and a half was taken up.

The report of the committee was agreed to, and the section stricken out.

Sections fifteenth and sixteenth were taken up and adopted.

Section seventeenth was taken up.

On motion of Mr. Burns the same was stricken out.

Sections eighteenth and nineteenth were taken up and adopted.

Section twentieth was taken up.

On motion of Mr. Harris the same was stricken out.

Section twenty-first was taken up.

Mr. Speer proposed to amend the section by striking out the following, to wit:

“And among other duties of his office shall be those of attorney for the State Road.”

Mr. Burns offered the following as an amendment, which was accepted by Mr. Speer, to wit:

“In all cases against the Western & Atlantic Railroad in Fulton county.”

The amendment was agreed to, and the section, as amended, was adopted.

Additional sections twenty-two and twenty-three, as reported by the committee, were taken up and adopted.

Mr. Hinton proposed the following as an additional section, to wit:

“That the sum of three thousand dollars be appropriated for the burial of the Confederate dead, and the Governor authorized to draw his warrant for said sum, and the money so appropriated be paid to Miss Mary J. Greene and Mrs.

General Williams, trustees of the Georgia Memorial Association, to be used by them for the purposes aforesaid."

Mr. Nunnally proposed the following amendment, which was accepted by Mr. Hinton, to wit:

"And the additional sum of two thousand dollars for the Memorial Society of Griffin."

Mr. Speer moved to amend as follows:

"And the sum of five thousand dollars to Mrs. William A. Reid, Mrs. L. N. Whittle, Mrs. William A. Huff, of Macon, Georgia; and the sum of two thousand dollars to Mrs. E. G. Cabaniss, Mrs. A. D. Hammond and Mrs. William L. Lampkin, of Forsyth; and the sum of one thousand dollars to Mrs. E. T. Pound, Mrs. J. F. Hanson and Mrs. J. T. Murphy, of Barnesville; and the sum of one thousand dollars to Mrs. W. J. Howe, Mrs. Elizabeth Cauthen and Mrs. J. D. Hood, of Millen, Georgia, for similar purposes."

Mr. Jones proposed to amend further by inserting the following, to wit:

"That one thousand dollars be appropriated for the Confederate dead at Andersonville, to be placed in the hands of B. F. Dykes and M. P. Suber."

Mr. Harris proposed to amend as follows, to wit:

"That the sum of one thousand dollars be appropriated to the Ladies' Burial Society, of Covington, for the burial of the Confederate dead."

Mr. Bruton then offered the following as a substitute for the whole, to wit:

"That ten thousand dollars be appropriated and paid to A. H. Stephens, A. J. Ryan and George F. Pierce, to be distributed by them among the Memorial Associations of this State."

After debate Mr. Griffin of the 21st District moved to lay the proposed additional section, and the amendments thereto, on the table; whereupon the yeas and nays were required to be recorded, and are yeas 15, nays 18.

Those voting in the affirmative are—

Messrs. Adkins, Anderson, Bowers, Colman, Corbitt, Dickey, Griffin 21st, Harris, Higbee, Jones, Jordan, Merrill, Sherman, Speer, Welch.

Those voting in the negative are—

Messrs. Adams, Bruton, Burns, Candler, Collier, Fain, Gignilliat, Graham, Hinton, Hungerford, Lester, McWhorter, Moore, Nesbitt, Nunnally, Wellborn, Winn, Wooten.

So the motion to lay on the table did not prevail.

On motion the Senate adjourned until to-morrow morning at half past nine o'clock.

SENATE CHAMBER, ATLANTA, GA.,
Saturday, March 13, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Adams, Honorable Senator from the 20th District.

The roll was called and the Journal of the previous day was read and approved.

Mr. Merrill moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the resolution of Mr. Winn ratifying the fifteenth amendment to the Constitution of the United States, known as article fifteen.

After debate the question was put upon the motion of Mr. Merrill; whereupon the yeas and nays were required to be recorded, and are yeas 19, nays 16.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Bruton, Burns, Colman, Dickey, Griffin 6th, Harris, Higbee, Hinton, Jones, Jordan, Merrill, McWhorter, Nunnally, Sherman, Smith 36th, Speer, Welch.

Those voting in the negative are—

Messrs. Adams, Anderson, Brock, Candler, Collier, Fain, Graham, Griffin 21st, Lester, McCutchen, Moore, Wellborn, Winn, Wooten.

So the motion to reconsider prevailed.

Mr. Griffin of the 21st District moved to take up the resolution, which was agreed to.

After debate, on motion of Mr. Nunnally, the resolution was made the special order for Tuesday next.

Mr. Nunnally, from the special joint committee appointed to confer with the City Council of Atlanta, &c., made the following report :

To the Senate and House of Representatives :

The joint committee of the Senate and House of Representatives, appointed to confer with the City Council of Atlanta, beg leave to report as follows, to wit :

That they have had several interviews with the City Council, and with a view to the final settlement of matters and issues involved in the subject committed to them, the City Council have made a proposition, in writing, which is herewith submitted, the substance of which is, that the city will donate to the State one hundred thousand dollars to apply as part payment for the purchase by the State of the building now used as a capitol, and known as Kimball's Opera House.

The questions involved in this proposition, in the opinion of this committee, warranted them in taking whatever steps would best secure the interests of the State, which seemed to be—

First. To ascertain, from reliable architects and mechanics, the strength, durability and character of the building.

Second. What the entire property had actually cost.

Third. At what price and upon what terms the property could be purchased.

Fourth. What income could be derived to the State from rents of each portion of the building as would not be required for State purposes.

Fifth. In what way could the State secure the return of the \$31,000 advanced by his Excellency Governor Bullock to the Messrs. Kimball for heating, lighting, &c.

In answer to these several propositions we learn—

First. That the building is of a superior character, as will be seen from several communications in writing, including one from the Superintendent of Public Works, which we herewith submit.

Second. That the cost of the property, including land,

building, heating and lighting, apparatus and all furniture and fixtures now in use by the several departments of State, and the completion of the building according to plans, is \$304,600.

Third. That the entire property above referred to can be purchased for the sum of three hundred thousand dollars, payable as follows: one hundred thousand dollars in the bonds of the city of Atlanta, and two hundred thousand dollars in the seven per cent. bonds of the State of Georgia, upon the delivery of which, to the Messrs. Kimball, they will return to his Excellency Governor Bullock the \$31,000 advanced by him to them.

We herewith submit the proposition of the Messrs. Kimball made in writing to the committee.

Fourth. From the evidence submitted to us, we believe the income to the State, from rental of rooms in the building not used or required for State purposes, will be from \$10,000 to \$15,000 per annum, and that the rental value of these rooms will be continually increasing.

Your committee, after a full and careful investigation and consideration of the foregoing facts, have come to the following conclusions:

First. That the question of the location of the capitol is practically already settled, but that until the State owns and controls absolutely a capitol building of her own, in the city of Atlanta, the subject of removal will continue to be agitated, from time to time, to the great expense of the State and annoyance of the citizens thereof—many thousands of dollars having already been expended in the discussion of the subject.

Second. That the proposition of the city of Atlanta is liberal, and will fully meet the views of the people of Georgia upon this subject.

Third. That in view of the present income derived from the property, its location, present and prospective value for business purposes, the price asked for it is only just and reasonable.

Fourth. That the rents from such portions of the building as will not be required for State purposes will cancel

he interest upon the bonds of the State which may be issued for the purchase of the entire property, thereby giving to the State of Georgia, free of cost to herself, not only for ten years, but so long as she chooses to occupy it as such, a capitol which, in point of elegance, comfort and convenience, is not surpassed by the capitol of any State in the Union.

Fifth. That if, at any future time, the State should determine to dispose of the property, it could readily do so at a very large profit; we, therefore, recommend the passage of the following resolutions :

1. *Resolved*, That the proposition of the city of Atlanta to donate the bonds of the city to the amount of one hundred thousand dollars in lieu of her present contract with the State to furnish a capitol building for the term of ten years be, and is hereby, accepted.

2. *Resolved*, That the proposition of the Messrs. Kimball for the sale to the State of the Kimball Opera House, and the fixtures, furniture, &c., be, and is hereby, accepted.

3. *Resolved*, That a committee of one from the Senate and one from the House of Representatives be appointed to examine into the title, and arrange all the details upon the basis of the propositions of the Messrs. Kimball and the City Council; and, on the application of said committee, the Governor be, and he is hereby, authorized to issue to the Messrs. Kimball seven per cent. bonds of the State, having twenty years to run, reserving in his possession, until the completion of the building, a sufficient amount of said bonds to insure the speedy completion of the building according to the plan, and also to secure the return to the State of the \$31,000 paid by his Excellency the Governor to the Messrs. Kimball, and it shall be the duty of said committee to see that the said amount of \$31,000 is returned to the State.

A. D. NUNNALLY,
Chairman Senate Committee.

WM. D. ANDERSON,
Chairman House Committee.

Mr. Candler moved to make the report the special order for Monday next.

Mr. Harris moved to postpone the same indefinitely.

After debate Mr. Fain called for the previous question which being sustained, the main question was ordered upon the motion of Mr. Harris to indefinitely postpone, which was not agreed to.

The question was then put upon the motion of Mr. Candler; whereupon the yeas and nays were required to be recorded, and are yeas 22, nays 15.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Bruton, Colman, Corbitt, Dicke, Fain, Griffin 6th, Higbee, Holcombe, Hungerford, Jones, Merrill, McArthur, McCutchen, McWhorter, Nunnall, Sherman, Smith 7th, Smith 36th, Speer, Welch.

Those voting in the negative are—

Messrs. Adams, Burns, Collier, Gignilliat, Graham, Griffin 21st, Harris, Hinton, Jordan, Lester, Moore, Nebitt, Wellborn, Winn, Wooten.

So the report was made the special order for Monday next.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following act:

An act to amend an act incorporating the Savanna, Griffin & North Alabama Railroad Company, and for other purposes.

E. I. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following bills, to wit:

A bill to change the county line between Bartow and Polk.

Also, a bill to amend an act to be entitled an act to charter the Georgia Fire and Life Insurance Company.

Also, a bill to amend an act, approved October 3, 1868, to provide for setting apart a homestead of realty and personalty.

Also, a bill for the relief of the heirs of Hiram H. Hussey, late of Meriwether county

Also, a bill to repeal the third section of an act entitled an act to define the liability of the railroad companies of this State for injuries to persons and property; to prescribe in what counties they may be sued, and how served with process.

Also, a bill to provide more effectually for the collection of poll tax.

Also, a bill for the relief of J. H. Stockton, of the county of Columbia.

Also, a bill to amend section two of an act entitled "an act for the relief of debtors, and to authorize the adjustment of debts upon the principles of equity."

Also, a bill explanatory of an act to educate the indigent maimed soldiers of Georgia, and to provide means for the same, approved December 18, 1866.

Also, a bill to change the times of holding the Superior Courts of Morgan county.

Also, a bill to authorize the Tax Collector of Murray county to receive jury certificates in payment of county taxes.

Also, a bill to regulate ferries and ferrymen in the State of Georgia.

Also, a bill to prescribe the time within which Justices of the Peace, and Notaries Public and *ex officio* Justices of the Peace, in the county of Chatham, shall forward to the clerks of the appropriate courts warrants and other papers in all criminal cases, when the accused shall have been committed to jail, and to provide a penalty for violation of this act.

Also, a bill to reduce the salary of State Librarian.

Also, a bill to authorize the admission to plead and practice law of William G. Irwin, an unnaturalized citizen.

Also, a bill to authorize Ledford Umphries, a maimed soldier, to draw pictures without tax.

They have also passed the following bill of the Senate, to wit :

A bill to amend an act incorporating the Savannah, Griffin & North Alabama Railroad Company, and for other purposes.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following joint resolution :

A joint resolution for refunding of over-paid taxes by J. F. Strickland for the State tax of 1866.

E. I. HIGBEE, Chairman.

* Senator Gignilliat was granted leave of absence for the balance of the session after to-day.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bills, to wit :

A bill to incorporate the town of Drayton, in the county of Dooly.

Also, a bill to change the line between the counties of Cherokee and Pickens.

Also, a bill to amend section 3565 of Irwin's Code, so as to change the length of time Ordinaries are to publish citations to discharge administrators.

They have also passed the following bill of the Senate, with an amendment, in which they ask the concurrence of the Senate :

A bill to alter and amend an act entitled an act to organize a Criminal Court for each county of this State.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following act, to wit :

An act to provide the election of Justices of the Peace and Constables throughout the State.

E. I. HIGBEE, Chairman.

The Senate took up the message of the House on the resolution authorizing the election of Commissioners of Foreign Immigration.

On motion the resolution was concurred in, and the Secretary directed to transmit the action of the Senate forthwith to the House of Representatives.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following resolution :

A resolution explanatory of the true intent and meaning of a bill to be entitled an act to loan the credit of the State to the Cartersville & Van Wert Railroad Company, passed during the present session of the Legislature.

E. I. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bills, to wit :

A bill to abolish certain offices connected with the Penitentiary.

Also, a bill granting amnesty for all crimes in the counties of Quitman and Randolph, in the State of Georgia, committed prior to June, 1865.

Also, a bill to relieve D. & H. Beusse of double taxation for the year 1867

They have also passed the following bills of the Senate, to wit :

A bill to amend section 2406 of Irwin's Code, in relation to executors *de son tort*, and for other purposes.

Also, a bill to authorize the Ordinary of Lowndes county to issue scrip for the purpose of raising funds to pay for the building of a court-house.

Also, a bill to relieve Mrs. Nancy Ingram, of the county of Union, from all liability upon a certain recognizance therein named.

Also, a bill to authorize and require the payment into the city treasury of Savannah of the remnant of the fund raised under the act of the 16th day of February, 1856, for the building of a new jail for Chatham county, and to require the City Council of Savannah to apply said remnant of said fund to the repairing and enlargement of the jail of said county.

Also, a bill to change the line between the counties of Bartow and Gordon.

Also, a bill to authorize and require the Ordinaries of the counties of Stewart and Webster to levy taxes for the payment of insolvent costs in criminal cases, upon recommendation of the grand jury.

Also, a bill to exempt blind persons from paying poll tax.

Also, a bill to incorporate the Tazwell Manufacturing Company, in Marion county, Georgia.

Also, a bill to amend an act entitled "an act for the relief of debtors, and to authorize the adjustment of debts upon principles of equity," passed in 1868.

Also, a bill in relation to the statute of limitations, and for other purposes.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

fr. President:

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following act, to wit:

An act to repeal so much of the following act as relates to the county of Muscogee: An act to provide for the levying and collection of a tax for the payment of costs due to Clerks and Sheriffs in insolvent criminal cases in certain counties therein mentioned.

E. L. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

fr. President:

I am instructed by the House of Representatives to inform the Senate that the House is now ready to receive the Senate in the Hall of the House for the purpose of going to certain elections ordered this day at 11 o'clock.

The Senate then repaired to the Hall of the House of Representatives, and both Houses being called to order by the President of the Senate, the General Assembly proceeded to vote *viva voce* for a Home and Foreign Commissioner, in accordance with the provisions of the act to encourage immigration into the State of Georgia, and the investment of capital in lands.

The President announced that the election of the Home Commissioner would be first in order.

The General Assembly then proceeded to ballot; and, upon a count of all the votes cast, it appearing that the Hon. George N. Lester had received the requisite majority, the President of the Senate declared him to be duly elected to the office of Home Commissioner.

The election of Foreign Commissioner was next proceeded with, and upon the count of the vote, it appearing that the Hon. Samuel Weil had received the requisite ma-

jority, the President of the Senate declared him as duly elected to the office of Foreign Commissioner.

The business of the joint session being completed, the Senate returned to its chamber, and was called to order by the President.

Mr. Fain moved that when the Senate adjourns it meet again at three o'clock, P. M., which was agreed to.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following act, to wit :

An act to provide for and authorize an election of Mayor and Aldermen, Clerk of City Council and Marshal, of the city of Milledgeville.

E. I. HIGBEE, Chairman.

The Senate then resumed the unfinished business of yesterday, the same being the bill of the House to be entitled an act for raising a revenue for the political year 1869, &c.

And pending action, the hour having arrived, the President announced the Senate adjourned until three o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment and was called to order by the President.

The Senate took up the report of the Committee of the Whole on the bill of the House for the relief of the Union Branch Railroad Company.

Mr. Nunnally moved to lay the bill on the table, which was not agreed to.

The question was then put upon the passage of the bill; whereupon the yeas and nays were required to be recorded, and are yeas 15, nays 9.

Those voting in the affirmative are—

Messrs. Adams, Adkins, Collier, Dickey, Fain, Hunger-

rd, Jones, Lester, Merrill, McArthur, McCutchen, Mc-
horter, Speer, Winn, Wooten.

Those voting in the negative are—

Messrs. Bruton, Burns, Griffin 6th, Harris, Hinton, Jor-
n, Nunnally, Sherman, Smith 7th.

So the bill was passed.

Mr. Smith of the 7th District, from the joint committee
pointed at the last session of the General Assembly, &c.,
ade the following report :

r. President :

The joint committee, appointed under a resolution of
e Senate and House of Representatives at the last ses-
on of the General Assembly to look into and investigate
e condition of the State's stock in the Atlantic & Gulf
ailroad, beg leave to submit the following report :

Pursuant to the call of the chairman, Hon. M. C. Smith,
e committee met December 29th, 1868, in the city of Sa-
annah, and proceeded to business. Before deciding, how-
er, as to the manner of performing the duties assigned
em, the committee were informed by Hon. John Screven,
resident of the Atlantic & Gulf Railroad, that (1283)
elve hundred and eighty-three shares of the stock of
id road had been sold by the city of Savannah to the
outhwestern Railroad Company, and that a bill had been
ed in the Honorable Superior Court of Bibb county,
eorgia, praying that, as the transfer or sale of the stock

the Atlantic & Gulf Railroad, owned by the city of
vannah, to the Southwestern Railroad Company was
violation of law, that the courts should enjoin the
me. The sale of so large an amount of the stock of the
lantic & Gulf Railroad to another railroad company,
gether with the prayer for an injunction to the courts,
eated considerable excitement in financial circles, and
eculation was rife as to what would be the result. Un-
r the existing circumstances the committee deemed it
wise and improper for parties representing the State to
ake any investigation, or to give any opinion as to the
bject-matter of controversy, and, therefore, decided to

adjourn, subject to the call of the chairman. Since the meeting of the General Assembly the committee have had several meetings, and, after a careful examination of the reports of the officers of the Atlantic & Gulf Railroad for the year 1868, they are of the opinion that there has been a healthful improvement in the affairs of said road, and, if properly fostered and protected, at no distant day this property will be fully resuscitated and prove a paying investment to the stockholders. The committee would respectfully call the attention of the General Assembly to the thorough and able report of the President and officers of the Atlantic & Gulf Railroad for the present condition and future prospects of said road. In addition to the exciting causes which have been before alluded to, and which will doubtless, to some extent, affect the interest of the Atlantic & Gulf Railroad, in the opinion of many intelligent railroad men, together with the expressed opinion, in writing, to the Governor, of Hon. John Screven, President, the directors and State's commissioners of the Atlantic & Gulf Railroad, the passage of an act entitled an act to lend the credit of the State to the Brunswick & Albany Railroad, should the same become a law, will materially affect the entire interest of the Atlantic & Gulf Railroad. The committee, while not called upon to express an opinion upon this subject, are compelled to agree with the officers, commissioners and directors of the Atlantic & Gulf Railroad, and can see no chance to protect the State's interest in said road should the Brunswick & Albany Railroad be constructed.

M. C. SMITH,

Chairman Senate Committee.

W. A. LANE,

Chairman House Committee.

Mr. Hinton, from the special committee, to whom was referred, for further consideration, the report of the joint committee appointed to investigate the official acts of the Treasurer, Comptroller and other officers, &c., made the following report:

President:

The special committee, to whom was referred, for further consideration, the report of a joint committee appointed to investigate the official acts of the Treasurer, Comptroller and other officers, have had the same under consideration, and beg leave to make the following report:

We find, by reference to the Constitution of the State of Virginia, "no moneys shall be drawn from the treasury except by appropriation made by law." If this was the law upon the subject the Treasurer would not be excusable for paying any warrant drawn by his Excellency and countersigned by the Comptroller, except in such cases as an appropriation by law had been made; but by reference to section 5, of paragraph 86, of Irwin's Revised Code, the same principle is even more definitely announced. It provides "that all payments made from the treasury shall be paid from the fund appropriated for such purpose, and not from any other." We are unable to see how the duties of the Treasurer can be more definitely specified by additional legislation. The duties of the Comptroller are equally clear and distinct, if section 93 of the Code be read in conjunction with the above recited laws; and it is owing to the fact that this has not been done, that the difficulties explained of by the joint committee have occurred. By reference to section 93 it will be discovered that the only question necessary to be investigated by the Comptroller, before countersigning a warrant drawn by the Governor, is whether the fund out of which the same is to be paid has not been exhausted. If exhausted, however just the claim, the Comptroller cannot countersign without violating the law. But if the same is considered in connection with the duties of the Treasurer, other and very important inquiries arise which it should receive the scrutiny of the Comptroller. It is clear that there should be no conflict between the Governor who draws, the Comptroller who countersigns, and the Treasurer who pays the warrants. Yet, conflict will arise unless due regard is had to the constitutional obligations of the latter officers, viz: that no warrants should be drawn except by appropriations made by law, and in every in-

stance the same should state the fund out of which it is to be paid, and the purposes for which the same is drawn. This necessary precaution would at once enable the Comptroller to determine the question. First. Has an appropriation by law been made? If so, was it made for the purposes designated? And lastly, whether the appropriated fund for that particular purpose has been exhausted. If, upon investigation, the Comptroller finds the necessary prerequisites, it at once becomes his duty to countersign the warrant. All the necessary precaution having been taken as required by law, the same may safely be paid by the Treasurer, and thus perfect harmony prevail in the three departments. Upon an examination we are constrained to say that this scrupulous regard to the forms and requirements of law has not in every instance been observed.

But whilst this is true, we feel justified in saying that the Comptroller and the Treasurer have been actuated by no desire to transcend their authority, or to unnecessarily waste the money of the State. Some bills have been paid for which we are unable to discover any appropriation. We name one or two: A warrant was drawn for two thousand dollars to pay for vaccine matter furnished the State in the year —. This claim was paid, we are informed, under the advice of the Attorney General. We think the advice not strictly in accordance with our interpretation of law; still, it goes far to relieve the Comptroller and the Treasurer from even the suspicion of blame. One other item, to which our attention is called by the report, is the payment of \$160 each to the ministers who officiated as chaplains for the House of Representatives during the long session held in 1868. This, like the former, was not provided for by special appropriation, nor can we conceive that it could have been paid under the general clause of the appropriation act of 1868. Yet, we know the ministers receiving the same were punctual in their attendance and faithful in the discharge of their duties, and, hence, we think justly merited the compensation. We do not approve the idea of a departure from law, even when a meritorious claim is presented, for in the faithful discharge of

egal, as well as moral, obligations depends the stability of government. But we do not believe that harsh measures should be adopted for departures when the claims, the paying of which occasioned the departure, would in law be recognized as just and equitable. We might enumerate the items mentioned in the report of the joint committee, but think we have been explicit enough to be understood. We do not desire to take issue with the former committee. We think they discharged their duties faithfully and with marked ability, and if the parties had rashly committed blunders, their recommendation would have been eminently proper. We do not in the least condemn it. But believing, as we do, that no intentional wrong has been perpetrated by them, and that the wrong consists more in a want of proper regard to the forms of law than to the real injury of the State, we would respectfully suggest that no suit be brought upon either the bond of the Comptroller or the Treasurer, as recommended by the joint committee, believing that the attention of those gentlemen having been called to these irregularities will be sufficient notification to place them on their guard, and prevent a like occurrence in future.

Much of the trouble has grown out of a clause in the appropriation act of 1868. This clause gave too much latitude, and left the treasury open with no limit short of the exhaustion of the last dollar. This was bad legislation, and the abuse of the latitude thereby secured has been worse than the legislation itself. We recommend that the appropriation act be more carefully worded in the future. We are prepared to recommend the same resolution offered by the joint committee, viz: "That it is the sense of the General Assembly of the State of Georgia that the publication of every proclamation of pardon by his Excellency the Governor in a large number of newspapers in Georgia, and the publication of every Executive order appointing persons to the such unimportant positions as county inspector of fertilizers, creating, as it does, very heavy drafts upon the treasury without affording commensurate benefit upon the people, should not be continued, and the

drawing of warrants to cover such expenses upon any other than the contingent fund is a violation of law that ought not to be tolerated."

B. B. HINTON,
E. D. GRAHAM.

Mr. Winn, chairman of the Committee on General Education, made the following report :

Mr. President:

The Committee on General Education, to whom was referred a bill to repeal an act to extend the corporate limits of the city of Marietta, in the county of Cobb, approved February 16, 1854, report that the committee has fully considered the same, and recommend that it do not pass.

Also, a bill to require the Ordinary of Houston county to pay the trustees of Perry Academy the sum of one thousand dollars, from the school fund of said county, for the erection of a school house, which they recommend do not pass.

(Signed)

W. T. WINN, Chairman.

The Senate then took up the unfinished business of the day, the same being the bill of the House to be entitled an act for raising a revenue for the political year 1869, &c.

The question was put upon the amendment of Mr. Harris to the additional section as proposed by Hinton on yesterday, and the amendment of Mr. Harris was lost.

The question was then put upon the amendment of Mr. Jones, which was not agreed to.

The question was then put upon the amendment as proposed by Mr. Speer, which was lost.

The question was then put upon the adoption of the additional section as proposed by Mr. Hinton; whereupon the yeas and nays were required to be recorded, and are yeas 13, nays 16.

Those voting in the affirmative are—

Messrs. Adams, Burns, Fain, Graham, Harris, Hinton, Hungerford, Lester, McWhorter, Nesbitt, Nunnally, Smith 7th, Wooten.

Those voting in the negative are—

Messrs. Adkins, Brock, Colman, Collier, Corbitt, Griffin 6th, Higbee, Jones, Jordan, Merrill, McCutchen, Sherman, Speer, Wellborn, Welch, Winn.

So the additional section, as proposed by Mr. Hinton, was not agreed to.

Mr. Candler proposed the following as an additional section, which was adopted, to wit :

"Be it further enacted, That the sum of one thousand dollars be, and the same is hereby, appropriated to reimburse N. L. Angier, State Treasurer, for a burglar-proof safe purchased by him, and which is now in the vault of the capitol, and that the Governor be authorized to draw his warrant for the said sum in favor of said N. L. Angier."

Mr. Merrill proposed the following as an additional section, to wit :

"That the sum of forty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the benefit of the colleges and schools authorized to educate indigent maimed soldiers by an act approved December 18th, 1866, and that said sum be divided among the colleges and schools in proportion to the number of beneficiaries in the same entitled to the benefits of said act, the same to be paid quarterly for the year 1869."

After debate the question was put upon the proposed additional section of Mr. Merrill, which was lost.

Mr. Lester proposed the following as an additional section, which was adopted, to wit :

"That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, be appropriated to pay the debts of the Penitentiary, when the same shall have been examined and audited by the Comptroller General ; and this shall not apply to any debt contracted prior to June 1, 1865."

Mr. Wellborn proposed the following as an additional section, which was adopted, to wit :

"And the sum of five hundred and forty-six dollars and

forty-three cents be appropriated to pay J. W. Burke for stationery furnished this Legislature through the Secretary of State."

Mr. Winn proposed the following as an additional section, which was lost, to wit:

"And the sum of five thousand dollars be appropriated to pay the debts due by the late Georgia Military Institute, and that the Comptroller General be required to scale and audit the same."

Mr. Nunnally proposed the following as an additional section, which was adopted, to wit:

"That the amount due J. W. Burke, as State Printer for the year 1868, be paid out of any money in the treasury not otherwise appropriated."

Mr. Harris proposed the following in lieu of section fourteen as stricken out, which was adopted, to wit:

"SECTION 14. *Be it further enacted*, That the sum of eight thousand dollars be, and the same is hereby, appropriated for the pay of the officers and teachers of the institution for the deaf and dumb, and the education and support of the indigent deaf and dumb children therein taught and supported, and necessary repairs to its buildings for the year 1869, and no other amount be paid from the treasury on account of said institution for the present year."

On motion of Mr. Harris the bill, as amended, was then passed.

The Senate took up the bill to provide for the election of persons to fill vacancies in civil offices in this State where the present incumbents are disqualified under the third section of the fourteenth article of the constitutional amendment of the United States.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to amend the Constitution of Georgia by striking out the fifth section of article second.

The Committee on the State of the Republic, to whom

this bill was referred, reported the same back with the recommendation that it do not pass.

After debate Mr. Moore moved to lay the bill on the table; whereupon the yeas and nays were required to be recorded, and are yeas 22, nays 7

Those voting in the affirmative are—

Messrs. Adams, Brock, Candler, Colman, Dickey, Griffin 6th, Harris, Higbee, Hinton, Hungerford, Jones, Jordan, Merrill, McCutchen, McWhorter, Moore, Sherman, Smith 36th, Speer, Welch, Winn, Wooten.

Those voting in the negative are—

Messrs. Burns, Fain, Graham, Lester, Nesbitt, Nunnally, Wellborn.

So the bill was laid on the table.

On motion the Senate adjourned until Monday morning at half past nine o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Monday, March 15, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Adams, Honorable Senator from the 20th District.

The roll was called and the Journal of Saturday was read and approved.

The rule was suspended, and Mr. Speer offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That a seat be tendered upon the floor of the Senate to Dr. M. S. Thompson and Col. J. C. McBurney, of Bibb county, and to Col. S. W. Gardner, of Mississippi.

The rule was further suspended, and Mr. Smith of the 36th District offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That the thanks of the Senate are hereby tendered to Col. L. P. Grant, and a seat be allowed him on this floor.

Mr. Holcombe, in conformity with previous notice, moved to reconsider so much of the Journal of Saturday as relates to the action of the Senate in voting extra compensation to clerks, &c.

After debate Mr. Harris moved to lay the motion on the table; whereupon the yeas and nays were required to be recorded, and are yeas 19, nays 13.

Those voting in the affirmative are—

Messrs. Anderson, Bowers, Burns, Collier, Dickey, Griffin 21st, Harris, Hinton, Hungerford, Jones, Jordan, Lester, Merrill, McWhorter, Sherman, Smith 7th, Smith 36th, Speer, Welch.

Those voting in the negative are—

Messrs. Adams, Adkins, Candler, Corbitt, Fain, Graham, Griffin 6th, Holcombe, McArthur, McCutchen, Moore, Nesbitt, Winn.

So the motion to reconsider was laid on the table.

Mr. Smith of the 36th District, in conformity with previous notice, moved to reconsider the action of the Senate on the bill to create the office of State Geologist, which motion did not prevail.

The Senate then took up the special order for the day, the same being the report of the joint committee appointed to confer with the City Council of Atlanta in relation to the purchase by the State of the building now used as a capitol, and known as "Kimball's Opera House."

Mr. Nunnally proposed the following, in addition to the resolution as reported by the committee, to wit:

"Resolved, That the committee appointed to examine the title to the Opera House shall have power to examine fully into the cost and value of the property, and hear evidence in regard to the same; and if, in their judgment, the amount asked for the property is extravagant, they shall not purchase the same without a proper deduction of the amount asked for the property."

Mr. Wooten offered the following resolution, to wit:

"Resolved, That the question of the purchase of the capitol building in Atlanta be referred to the people, and that Senators Lester, Harris and Smith of the 36th District

be appointed a committee to report a plan for taking the popular vote on that subject."

After debate Mr. Griffin of the 21st District called for the previous question, which being sustained, the main question was ordered upon the resolution of Mr. Wooten; whereupon the yeas and nays were required to be recorded, and are yeas 15, nays 20.

Those voting in the affirmative are—

Messrs. Adams, Anderson, Brock, Collier, Corbitt, Griffin 6th, Griffin 21st, Harris, Hinton, Lester, Moore, Nesbitt, Speer, Winn, Wooten.

Those voting in the negative are—

Messrs. Adkins, Bowers, Bruton, Candler, Colman, Dickey, Fain, Graham, Higbee, Holcombe, Hungerford, Jones, Merrill, McArthur, McCutchen, Sherman, Smith 7th, Smith 36th, Wellborn, Welch.

So the resolution of Mr. Wooten was lost.

The question was then put upon the resolution of Mr. Nunnally; whereupon the yeas and nays were required to be recorded, and are yeas 24, nays 10.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Brock, Bruton, Candler, Colman, Corbitt, Dickey, Fain, Griffin 6th, Holcombe, Hungerford, Jones, Merrill, McArthur, McCutchen, McWhorter, Nunnally, Sherman, Smith 7th, Smith 36th, Speer, Wellborn, Welch.

Those voting in the negative are—

Messrs. Adams, Anderson, Graham, Griffin 21st, Harris, Hinton, Lester, Moore, Nesbitt, Winn.

So the resolution of Mr. Nunnally was adopted.

The question was then put upon the adoption of the report, as amended by the resolution of Mr. Nunnally; whereupon the yeas and nays were required to be recorded, and are yeas 20, nays 15.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Bruton, Candler, Colman, Corbitt, Dickey, Fain, Griffin 6th, Higbee, Holcombe, Hungerford, Jones, Jordan, Merrill, Sherman, Smith 7th, Smith 36th, Speer, Welch.

Those voting in the negative are—

Messrs. Adams, Anderson, Burns, Collier, Graham, Griffin 21st, Harris, Hinton, Lester, McArthur, McCutchen, Moore, Nesbitt, Winn, Wooten.

So the report of the committee, as amended, was adopted.

Mr. Hinton gave notice that he would move to reconsider the action of the Senate on the foregoing report on tomorrow morning.

Mr. Holcombe, chairman of the Committee on Agriculture and Manufactures, made the following report :

Mr. President :

The Committee on Agriculture and Manufactures have had under consideration the following bill :

A bill to be entitled an act to incorporate the Paramore Hill Manufacturing Company, which they recommend do pass.

A. W. HOLCOMBE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has adopted and passed the substitute of the Senate, with amendments thereto, to the bill of the House to be entitled an act to provide for farming out penitentiary convicts, and to protect those farmed out from inhuman treatment.

Mr. Nunnally, chairman of the Committee on Internal Improvements, made the following report :

Mr. President :

The Committee on Internal Improvements, to whom was referred a bill to be entitled an act to provide for the removal of the seat of justice of Camden county, Georgia, from the town of Jeffersonton to the town of St. Marys, or Satilla Mills, in said county, submits the following report :

That the 6th line of section 3 be amended by inserting after the word "or" "for removal to."

Also, an additional section to be section 7.

Should the majority of votes be cast "for removal," according to the provisions of this act, the place having the largest number of votes cast for it shall be the county seat.

With the above amendments the committee recommend that the bill do pass.

A. D. NUNNALLY, Chairman.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following acts:

An act to amend an act entitled an act for the relief of debtors, and to authorize the adjustment of debts upon principles of equity, passed in 1868.

Also, an act to exempt blind persons from paying poll tax.

Also, an act to relieve Mrs. Nancy Ingram, of the county of Union, from all liability upon a certain recognizance therein named.

Also, an act to authorize and require Ordinaries of the counties of Stewart and Webster to levy taxes for the payment of insolvent cost in criminal cases upon recommendation of the grand jury.

Also, an act in relation to the statute of limitations, and for other purposes.

Also, an act to incorporate the Tazwell Cotton Manufacturing Company, in Marion county.

Also, an act to authorize the Ordinary of Lowndes county to issue scrip for the purpose of raising funds to pay for the building of a court-house.

Also, an act to incorporate the Atlanta Canal and Water Company.

Also, an act to change the line between the counties of Bartow and Gordon.

Also, an act to repeal section 897 of Irwin's Revised

Code, in which property exempted from levy and sale ordinarily is exempted from levy and sale for taxes.

Also, an act to authorize the Ordinary of Thomas county to levy and collect an extra tax for county purposes.

Also, an act to amend section 2406 of Irwin's Code, in relation to executors *de son tort*, and for other purposes.

Also, an act to incorporate the Workingmen's Mutual Relief Association of Georgia.

E. I. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bills of the Senate, to wit :

A bill for the more efficient preservation of peace and good order on election days in this State.

Also, a bill to incorporate the town of Spalding, in the county of Macon, and to confer upon the citizens of said town certain powers and privileges herein mentioned.

Also, a bill to amend an act entitled an act to incorporate the city of Covington, in the county of Newton ; to define the corporate limits thereof, and for other purposes mentioned therein.

They have also passed the following bill of the Senate, with certain amendments, in which they ask the concurrence of the Senate, to wit :

A bill to change the line between the counties of Twiggs and Wilkinson, so as to include the lands and residence of Andrew Floyd, of Wilkinson county, and the lands of W H. Stokes, of said county, to the county of Twiggs.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit :

Mr. President :

The Governor has approved and signed the following joint resolution, to wit :

"A joint resolution providing for the refunding of overpaid taxes by J. F Strickland for the State tax of 1866."

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has passed the following bills of the Senate, to wit :

A bill to give the Ordinaries of the respective counties of this State jurisdiction in cases of nuisance.

Also, a bill to change the county line between the counties of Carroll and Paulding, &c.

Also, a bill to authorize W. R. Elder, of the county of Campbell, to peddle without license.

Also, a bill to incorporate the "Rome & Summerville Turnpike Company."

Also, a bill to amend an act to authorize the consolidation of the stock of the Savannah, Albany & Gulf Railroad Company and the Atlantic & Gulf Railroad Company, and for other purposes.

Also, a bill to authorize testators in wills to give to executors named therein such sums of money or property, as they may wish, as compensation for their services in the execution of the trust conferred, and for other purposes.

Also, a bill to enable Robert L. J. Grant, of the county of Fulton, to peddle in this State without license.

Also, a bill to authorize Judges of the Superior Courts, at chambers, to hear and determine demurrers, and hear and determine motions to revoke or change orders appointing a receiver in equity causes.

They have also passed the following bills of the Senate, with certain amendments, in which they ask the concurrence of the Senate, to wit :

A bill to require the official bonds of Ordinaries to be approved by the Clerks of the Superior Courts.

Also, a bill to authorize Edward S. Mann, of Gordon county, P. H. Galamore and John Smith, of Haralson county, and Joseph Nowlan, of Carroll county, to peddle without license.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President:

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following act, to wit:

An act for the relief of the Union Branch Railroad Company.

E. I. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following bills, to wit:

A bill to incorporate the Georgia Land, Immigration and Manufacturing Company.

Also, a bill to prescribe the duty of the State Treasurer as to the safe keeping of the public funds, and for other purposes.

Also, a bill to amend an act to regulate licensing physicians and druggists in this State.

Also, a bill for the relief of J. Rosenfield & Brother.

Also, a bill to amend an act entitled an act to incorporate the Central Georgia Mutual Life Insurance Company.

Also, a bill to incorporate the Georgia Benevolent Mutual Life Insurance Company, and for other purposes therein mentioned.

Also, a bill for the relief of Jarvis R. Maxwell, of the county of Bartow.

They have also passed the following bills of the Senate, to wit:

A bill to amend an act so as to secure the produce, rents or profits arising from homesteads, and for other purposes.

Also, a bill to authorize the Ordinary of Thomas county to levy and collect an extra tax for county purposes.

Also, a bill to repeal the 897th section of Irwin's Revised Code, in which property exempted from levy and sale ordinarily is exempted from levy and sale for taxes.

Also, a bill to incorporate the Workingmen's Mutual Relief Association of Georgia.

The rule was suspended, and the Senate took up the bill of the House legalizing the election of William J. Brown as Sheriff of Quitman county.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

After debate, on motion of Mr. Moore, the report of the committee was disagreed to. The bill was read the third time and passed.

The Senate took up the bill to authorize the settlements by the courts of the accounts of the State with Devine, Jones & Lee.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the report of the Committee of the Whole on the bill to change the line between the counties of Gwinnet and DeKalb, so as to include in DeKalb county the land and residence of Lidwell B. Wormack.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to empower the Judges of the Superior Courts of this State to confine in the cells of the Penitentiary, when they may deem it necessary for security, any prisoner committed to jail in their respective circuits for crime.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the bill to change the time of holding the Superior Court in Paulding county.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to define the meaning of the term "wild and unimproved lands."

The Committee on Internal Improvements, to whom this bill was referred, reported the same back without recommendation.

On motion of Mr. McArthur the bill was read the third time and passed.

The Senate took up the bill to change the line between the counties of Bartow and Gordon.

The Committee on New Counties and County Lines, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill for the relief of defaulting tax-payers for the year 1868, and for other purposes.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to relieve William Bradford, former Tax Collector of Lowndes county.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to repeal section 178 of the Code, and to enact a substitute in lieu thereof.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill to incorporate the Atlanta Saving Bank.

The Committee on Banks, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to; and upon the question shall this bill now pass—a constitutional ma-

ority being required to pass the same—the yeas and nays were required to be recorded, and are yeas 23, nays 5.

Those voting in the affirmative are—

Messrs. Adams, Anderson, Brock, Collier, Corbitt, Fain, Graham, Griffin 6th, Griffin 21st, Hungerford, Jones, Jordan, Lester, Merrill, McWhorter, Nesbitt, Nunnally, Sherman, Smith 7th, Smith 36th, Speer, Wellborn, Wooten.

Those voting in the negative are—

Messrs. Bowers, Candler, Dickey, McArthur, Winn.

So the bill was passed by a constitutional majority.

Senator Holcombe was granted leave of absence from and after to-morrow on special business.

The Senate took up the resolution authorizing the commissioners representing the interest of the State in the Albany & Gulf Railroad to confirm and approve the purchase of stock held by the city of Savannah.

On motion the resolution was laid on the table.

The Senate took up the bill to provide a more speedy mode for enforcing liens in certain cases.

On motion of Mr. Nunnally the bill was laid on the table for the present.

The Senate took up the bill to define the width of the public road leading from A. J. Leits, in Catoosa county, to the top of Taylor's Ridge, at the Whitfield line—said road known as the Nickajack road.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back without recommendation.

On motion of Mr. McCutchen the bill was read the third time and passed.

The Senate took up the bill to amend an act entitled an act to incorporate the town of Bowdon, in the county of Carroll, and for other purposes therein mentioned, and to regulate the retail of spirituous liquors in a certain distance of the poor house in Atlanta.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass with the following amendment, to wit:

“Provided, That all residents in said town for thirty days,

and who shall be citizens of the United States and inhabitants of this State for six months previous to any election, shall be entitled to vote."

The report of the committee was agreed to, and the bill, as amended, was read the third time and passed.

Mr. Fain moved that when the Senate adjourns it meet again at 3 o'clock, P. M., which motion was agreed to.

The Senate took up the bill to give the Superior Courts of this State jurisdiction in certain cases of nuisance.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

Mr. Fain moved to disagree to the report of the committee, which motion did not prevail.

The report of the committee was then agreed to, and the bill was lost.

The Senate took up the bill for the relief of Thomas W. and Nancy E. Lee, and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported the same back without recommendation.

On motion of Mr. Hinton the bill was read the third time and passed.

The hour having arrived, the President announced the Senate adjourned until 3 o'clock, P. M.

—

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment and was called to order by the President.

The following bills of the House were taken up and severally read the first time, to wit:

A bill to authorize the Tax Collector of Murray county to receive jury certificates in payment of county tax.

A bill to amend an act to be entitled an act to charter the Georgia Fire and Life Insurance Company.

A bill to amend section 3665 of Irwin's Code, so as to change the length of time Ordinaries are to publish citations to discharge administrators.

A bill to authorize Ledford Umphries, a maimed soldier, to draw pictures without tax.

A bill to prescribe the time within which Justices of the Peace, and Notaries Public and *ex officio* Justices of the Peace, in the county of Chatham, shall forward to the clerks of the appropriate courts warrants and other papers in all criminal cases, when the accused shall have been committed to jail, and to provide a penalty for violation of this act.

A bill to reduce the salary of State Librarian.

A bill to change the time of holding the Superior Courts of Morgan county.

A bill to regulate ferries and ferrymen in the State of Georgia.

A bill to authorize the admission to plead and practice law of William G. Irwin, an unnaturalized citizen.

A bill for the relief of the heirs of Hiram H. Hussey, late of Meriwether county.

A bill to provide more effectually for the collection of poll tax.

A bill to incorporate the Georgia Land, Immigration and Manufacturing Company.

A bill to amend an act, approved October 3, 1868, to provide for setting apart a homestead of realty and personalty.

A bill for the relief of J. Rosenfield & Brother.

A bill for the relief of Jarvis R. Maxwell, of the county of Bartow.

A bill to prescribe the duty of the State Treasurer as to the safe keeping of the public funds, and for other purposes.

A bill for the relief of J. H. Stockton, of the county of Columbia.

A bill to incorporate the Georgia Benevolent Mutual Life Insurance Company, and for other purposes therein mentioned.

A bill to abolish certain officers connected with the Penitentiary.

A bill to change the county line between Bartow and Polk.

A bill to incorporate the town of Drayton, in the county of Dooly.

A bill to determine land lines in this State, and to define the duties of County Surveyor in running the same.

A bill explanatory of an act to educate the indigent maimed soldiers of Georgia, and to provide means for the same, approved December 18, 1866.

A bill to relieve D. & H. Buesse of double taxation for the year 1867.

A bill to amend an act to regulate licensing druggists in this State.

A bill granting amnesty for all crime in the counties of Quitman and Randolph, in the State of Georgia, committed prior to June, 1865.

A bill to change the line between the counties of Cherokee and Pickens.

A bill to amend section 2 of an act entitled an act for the relief of debtors, and to authorize the adjustment of debts upon the principles of equity.

A bill to amend an act entitled an act to incorporate the Central Georgia Mutual Life Insurance Company.

A bill to repeal the third section of an act entitled an act to define the liabilities of the railroad companies of this State for injuries to persons and property; to prescribe in what counties they may be sued, and how served with process, approved March 5, 1868.

Mr. Merrill offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That a seat on the floor of the Senate is hereby tendered to the Hon. Cincinnatus Peeples during his stay in the city.

The Senate took up the report of the Committee of the Whole on the bill to loan the credit of the State to the North Georgia Railroad, and for other purposes.

On motion the bill was laid on the table.

The Senate took up from the table the resolution recommended by the Senate Finance Committee in lieu of a bill to be entitled an act to carry into effect the report of

the special committee on the accounts of the late Treasurer and Comptroller General.

On motion the resolution was adopted in lieu of the bill.

The Senate took up the bill of the House "to carry into effect the 30th section of the 1st article of the Constitution of Georgia," for which the Judiciary Committee reported the following substitute, to wit:

A bill to be entitled an act to carry into effect the 30th section of the 1st article of the Constitution of the State upon the subject of the lien of laborers and mechanics.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met,* That from and after the passage of this act laborers and mechanics shall have liens upon the property of their employers for labor performed and for materials furnished, which lien shall be superior in dignity to all other liens, except factors' and mechanics' lien, and such other liens as summary remedies are provided for in Irwin's Revised Code, and for debts due the public, but shall be of equal dignity with the liens last mentioned.

SEC. 2. *Be it further enacted,* That the laborers' and mechanics' lien may be enforced in the manner prescribed in section 1969 of Irwin's Revised Code, upon the subject of enforcing liens against steamboats, except the Justices of the Peace shall have jurisdiction of all cases of one hundred dollars or less;

And be it further enacted, That all provisions of the Code upon the subject of enforcing liens upon steamboats shall apply to the enforcement of laborers' liens.

On motion the substitute was adopted in lieu of the original, and the bill was passed under the following title, to wit: "A bill to be entitled an act to carry into effect the thirtieth section of the first article of the Constitution of the State upon the subject of the liens of laborers and mechanics."

The Senate took up the report of the Committee of the Whole on the bill to authorize and empower the Macon & Brunswick Railroad Company to build a branch railroad from any point on the Macon & Brunswick Railroad to the city of Albany, Dougherty county, Georgia.

Mr. McArthur proposed the following amendment, which was adopted, to wit :

“Provided, Nothing in this act shall be so construed as to authorize the said Macon & Brunswick Railroad Company to use their bonds endorsed by the State in the construction of said road.”

The report of the committee was agreed to. The bill, as amended, was read the third time and passed.

The Senate took up the message of the House on the resolution authorizing his Excellency the Governor to accept the surrender of the charter of the Planters' Bank of the State of Georgia.

On motion the resolution was laid on the table.

The Senate took up the message of the House on the bill to amend an act so as to secure the produce, rents or profits arising from homesteads, and for other purposes, to which the House proposed certain amendments.

On motion the amendments, as proposed by the House, were concurred in.

The Senate took up the message of the House on the bill to require the official bonds of Ordinaries to be approved by the Clerks of the Superior Courts, to which the House proposed an amendment.

On motion the Senate refused to concur in the amendment as proposed by the House.

The Senate took up the message of the House on the bill to change the line between the counties of Twiggs and Wilkinson, so as to include the lands and residence of Andrew Floyd, of Wilkinson county, and the lands of W. H. Stokes, of said county, in the county of Twiggs, to which the House proposed certain amendments.

On motion the amendments, as proposed by the House, were concurred in.

The Senate took up the message of the House on the bill to authorize Edward S. Mann, of Gordon county, J. C. Davenport, P. H. Galamore and John Smith, of Haralson county, and Joseph Nowlan, of Carroll county, to peddle without license, to which the House proposed certain amendments.

On motion the amendments, as proposed by the House, were concurred in.

The Senate took up the message of the House on the bill to alter and amend an act entitled an act to organize a Criminal Court for each county of this State, to which bill the House proposed certain amendments.

On motion of Mr. Candler the amendments proposed by the House were amended by striking out all the counties therein named except the county of Wilkinson.

The Senate took up the bill of the House for the relief of James O. Morton, of the county of Brooks, as administrator on the estate of C. J. English, deceased.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to bring on an election for Congressmen in the State of Georgia.

Mr. Wooten moved to amend by striking out "third Wednesday in April," and inserting "first Wednesday in May" in lieu thereof, which was agreed to.

After debate Mr. Harris moved to lay the bill on the table; whereupon the yeas and nays were required to be recorded, and are yeas 13, nays 20.

Those voting in the affirmative are—

Messrs. Brock, Colman, Corbitt, Griffin 21st, Harris, Higbee, Hungerford, Jones, Merrill, McWhorter, Sherman, Speer, Welch.

Those voting in the negative are—

Messrs. Adams, Anderson, Bruton, Candler, Collier, Dickey, Fain, Graham, Griffin 6th, Hinton, Holcombe, Lester, McArthur, McCutchen, Nesbitt, Nunnally, Smith 7th, Wellborn, Winn, Wooten.

So the motion to lay the bill on the table did not prevail.

The question was then put upon the passage of the bill; whereupon the yeas and nays were required to be recorded, and are yeas 21, nays 13.

Those voting in the affirmative are—

Messrs. Adams, Anderson, Bruton, Candler, Collier, Cor-

bitt, Fain, Graham, Griffin 6th, Hinton, Holcombe, Jordan, Lester, McArthur, McCutchen, Nesbitt, Nunnally, Smith 7th, Wellborn, Winn, Wooten.

Those voting in the negative are—

Messrs. Brock, Colman, Dickey, Griffin 21st, Harris, Higbee, Hungerford, Jones, Merrill, McWhorter, Sherman, Speer, Welch.

So the bill was passed.

Mr. Jones gave notice that he would move to reconsider the action of the Senate on the foregoing bill on to-morrow.

Senator Speer was granted leave of absence for to-morrow on special business.

The Senate took up the message of the House on the Senate's amendment to the bill of the House for farming out penitentiary convicts, and to protect those farmed out from inhuman treatment, in which Senate amendment the House proposed to strike out, in section first, the word "more" and insert the word "less" in lieu thereof; also, to insert an additional section.

On motion the amendments, as proposed by the House, were concurred in.

Mr. Wellborn gave notice that he would move to reconsider the action of the Senate on the foregoing bill on to-morrow morning.

The Senate took up the bill of the House for the relief of John V Price, William Pilcher and Robert C. Black, as securities on the bond of Samuel Dawson, deceased, late Sheriff of Sumter county.

The Finance Committee, to whom this bill was referred, reported the same back without recommendation.

On motion of Mr. Jones the bill was read the third time and passed.

The Senate took up the bill of the House to change the county line between the counties of Henry and Butts.

The Committee on New Counties and County Lines, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to create a board of commissioners of roads and revenue in the county of Harris.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill to carry into effect the report of the special committee on the accounts of the late Treasurer and Comptroller General.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

On motion the bill was laid on the table.

The Senate took up the House bill to incorporate the Berne Planting, Manufacturing and Fruit Growing Company, in Camden county.

The Committee on Agriculture and Manufactures, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to incorporate the Georgia Reed and Fibre Manufacturing Company.

The Committee on Internal Improvements, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to declare void the unauthorized sales of wild lands by Tax Collectors of the counties where the lands were located, and to direct the refunding of moneys received therefor.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House for the relief of B. G. Poole, M. A. Hardin and F. M. Ford, of the county of Bartow.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the House bill to make it a penal offense for owners or persons controlling billiard tables or ten-pin alleys to allow minors to play or roll on their tables without the consent of their parents or guardians.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to amend the charter of the city of Atlanta, and provide for the registry of voters therein.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to provide for the foreclosure of mortgages on personal property in this State, and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to amend an act of October 6, 1868, entitled an act to require the Reporter of the Supreme Court to publish the decisions of the Supreme Court in pamphlet form, and to provide for the distribution of the same, and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to allow the citizens of Brunswick, through their City Council, to donate or sell town commons to the Macon & Brunswick Railroad and Brunswick & Albany Railroad.

The Committee on Internal Improvements, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to provide for the removal of the seat of justice of Camden county, Georgia, from the town of Jeffersonton to the town of St. Marys, or Satilla Mills, in said county.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back with the recommendation that it do pass with the following amendments, to wit:

"In the 6th line of section 3, insert after the word 'or,' the words 'for removal to.'"

Also, insert the following as section 7, to wit:

"Should the majority of votes be cast 'for removal,' according to the provisions of this act, the place having the largest number of votes cast for it shall be the county seat."

The report of the committee was agreed to. The bill, as amended, was read the third time and passed.

The Senate took up the bill of the House to incorporate the Southern Masonic Assurance Society.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to amend section 569 of Irwin's Code.

The Judiciary Committee, to whom this bill was referred, reported the same back with the following substitute, which they recommend do pass in lieu of the original, to wit:

"A bill to be entitled an act to amend section 569 of Irwin's Revised Code."

"SECTION 1. *Be it enacted by the General Assembly of the State of Georgia,* That from and immediately after the approval of this act the words "Justices of the Inferior Court" shall be stricken out of section 569 of Irwin's Code, and in lieu thereof the word "Ordinary" be inserted, so that said section shall read: "It shall be lawful for any disabled soldier of this State to peddle in any county or

counties thereof without paying for license for the privilege of so doing, and a certificate from the Ordinary of any county stating the fact of his being such disabled soldier shall be sufficient evidence thereof; *Provided*, That this section shall not authorize peddling ardent spirits; and provided, also, that the privilege hereby granted shall not be transferred to or used by any other person."

Section second repeals conflicting laws.

Mr. Smith of the 36th District moved to amend by striking out the word "soldier," and insert in lieu the word "persons," which was agreed to.

The report of the committee, as amended, was agreed to, and the substitute was passed in lieu of the original, under the following title, to wit:

"A bill to be entitled an act to amend section 569 of Irwin's Revised Code."

On motion the Senate then adjourned until to-morrow morning at half past nine o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Tuesday, March 16, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Smith, Honorable Senator from the 7th District.

The roll was called and the Journal of the previous day was read and approved.

Mr. Harris presented the following protest, which, on motion, was ordered to be spread upon the Journal, to wit:

Mr. President:

The recent passage of a bill entitled "an act to aid the Brunswick & Albany Railroad Company," under the spur of the call for the previous question, without the opportunity to the opponents of the measure, of discussing the merits of the bill, renders it necessary for us to avail ourselves of our privilege, and to enter upon the Journal of

the Senate our solemn protest against its action. Were this an ordinary matter, we would not undertake to dignify by such a proceeding; but conceiving, as we do, that evils of the greatest magnitude cluster around this bill, and not wishing to be held responsible for them, we feel it due to ourselves and to our constituencies to take this course.

We protest because the assertions of the bill, in our opinion, are not true, and because it does not speak the sentiments of our people. It is said that Georgia owes the Brunswick & Albany Railroad Company three millions and four hundred thousand dollars, because, as is asserted by the report of the committee who recommended the passage of this bill, and which report was adopted, "the State made itself a trustee in law for the Brunswick & Albany Railroad Company, responsible for the safe keeping of the aid road, and, therefore, liable for all damage arising from its destruction." Upon what principle, we ask, did the State thus become liable? Did the act of Governor Brown, in taking certain control of the railroad in October, 1861, upon invitation of the stockholders and managers of the road, make the State liable? The contract made with the aid stockholders was doubtless complied with, and if not, we cannot see upon what principle the State, in the face of the constitutions and ordinances of 1865 and 1868, can be held liable upon this war contract, if contract it be, much less do we see how she can be made liable for a war *tort*, if *tort* it be. To advocate the principle upon which this claim is based would be to acknowledge the justice of hundreds of claims amounting to many millions of dollars, and to involve the State in financial ruin. Yet, we conceive that this body, in passing this bill, has acknowledged this ruinous principle, and has opened the doors to all war claimants, whose demands the State should pay in order to be consistent with this precedent.

Besides, it is well known that the loss or destruction of the Brunswick & Albany Railroad was the act of the Confederate States, through its agent, and that the iron rails taken from the road-bed were distributed for war purposes by that government, and, according to your committee,

only 608 tons of this iron were distributed to the Western & Atlantic Railroad, worth about \$54,000. We cannot discover that the Western & Atlantic Railroad got more than 281 tons, taking the exhibits attached to the committee's report as our guide; but we are willing to take the report of the committee as correct upon that point. We have the State, therefore, indebted to the Brunswick & Albany Railroad in the sum of \$54,000, with interest, if you please, and to pay which the State makes itself liable to pay over three millions of dollars; and this is what the majority of this Senate call "the best and easiest solution and conclusion of the difficulties growing out of the whole matter in controversy." Georgia has come to a bad pass, indeed, when it takes three millions of her bonds to pay fifty-four thousand dollars.

Besides, it is known that the Brunswick & Albany Railroad was paid, in a great measure, for the iron of that road by the Confederate States, the money invested in cotton, which, since the war, has been sold for the benefit of that road; and the fund arising from this sale we understand to be under the control of the proprietors of this road. What this amount is we are unable to discover; and we are further informed that no mention of this matter was made to your committee. Yet, we are informed the Brunswick & Albany Railroad Company are not only pressing the State for payment of what they call their losses, but are pressing the Atlantic & Gulf Railroad for about 2,000 tons of iron distributed to it—the Georgia Railroad for 603 tons—the Charleston & Savannah Railroad for 160; yet the State alone is released, and these other claims are left open to be pressed to a conclusion; and there can be no doubt as to what this conclusion will be, if the precedent set up by this Legislature is to be followed. If it takes 3,000,000 of bonds to enable the State to settle for about 600 tons of iron, to settle for 2,000 tons, the Atlantic & Gulf must give over 9,000,000. The Georgia Railroad, for 603 tons, must give 3,000,000, and other roads in proportion. The Brunswick & Albany Railroad may consider themselves fortunate; for, while the war has spread desolation and ruin

throughout the whole South, it has proved a success to it.

We protest further, because, in our judgment, the bill violates every principle upon which the idea of State aid is supported. The advocates of State aid have always, in theory at least, limited the granting of it by two considerations—

First. The entire protection of the State from loss.

Second. The development of the resources of the country.

The protection from actual, certain loss is the mortgage or lien of the State upon the railroad. But the State gives to the railroad company \$15,000 per mile in gold—amounting to about \$20,000 in currency—more by \$2,000 per mile than the entire construction of the road will cost—the average cost of railroads in the South being about \$18,000 per mile. The cost of this road will be below the average, because it penetrates a section easily graded and covered with suitable timber for construction. You, therefore, do more than build this railroad for this company. Suppose that the State is put to the necessity of availing herself of her security, does any one suppose that the road will sell for the amount of its cost? If the road will not pay, do you suppose that any one will pay cost for it? And if the State takes it upon her hands, it must of course be worthless to her. All the available security, therefore, that the State can have will be the rolling stock and the iron—certainly not worth more than half the cost of construction. The State, then, under the most favorable calculation, must lose at least a million and a half dollars in coin. To comply, then, with the first qualification for State aid—viz: the security and protection of the State—the State should not endorse for more than half the value of the railroad to be constructed. But in this case we have violated this great rule, and actually propose to endorse for an amount more than equal to the cost of the road, thereby exposing the State to enormous loss, and placing it in the power of the persons you propose to aid to put into their pockets immense sums of the State's money without any consideration. In other words, we build this railroad *for* the com-

pany, and make the company a present of at least a thousand dollars a mile besides. And this is what we call giving *aid*; and this is the way we secure the State against loss.

Now, what does the State gain in the way of development or otherwise? A great portion of the country through which this road is to run already has railroad facilities; and while we are satisfied that railroads can do no country harm, we are persuaded that the attempt at further development is not justified by such expensive means. According to the statistics taken from the report of the Comptroller General, the aggregate value of all property, including the land of all the counties through which this road proposes to run, between Glynn and Dougherty, is \$2,802,217—about two-thirds of the amount of bonds proposed to be endorsed for the building of this road. But it is said that the building of this road brings the Pacific Ocean twenty-six or thirty miles nearer to the Atlantic than any other existing route. If that is all, the State endorses nearly \$4,000,000 of bonds for the purpose of building twenty-six miles of road. But what does this amount to? and what does the State make by it? She simply brings the road into competition with other roads that must necessarily enter into the competition in order to live. It then becomes a struggle for existence, and the ruin of some of the competing lines will be a question of time only. And the worst of all is, the State must be a party in interest to the struggle, and must necessarily suffer in any event. The State owns a million of dollars in the Atlantic & Gulf Railroad—more than one-fourth of the entire interest. She has passed an act to endorse the bonds of the South Georgia & Florida Railroad, which will amount to half a million of dollars, and also the bonds of the Macon & Brunswick Railroad, amounting to about \$2,000,000. These roads must be the natural enemies of the Brunswick & Albany Road. The State is the ally of all, and furnishes the munitions and materials of war for both sides—about four millions of dollars to each. And we have the unnatural spectacle of the State fighting itself. If this be not ruinous policy, we are at a loss to conceive how a mistake can possibly be made in legislation.

In rendering assistance to persons, it is important to know who they are—to know whether or not they actually need your assistance. Do the stockholders of the Brunswick & Albany Railroad need the assistance of the State? According to their statements they are all Northern and English capitalists, worth, according to a statement we have seen, at least thirty millions of dollars. Is there a necessity for aiding them? If the enterprise is so feasible, and the prospect of profit so great as they represent, they will build this railroad themselves; and if they are not disposed to engage their private funds in the business, it is a good reason for the State to be cautious. You may conclude from this that the only object of these stockholders in seeking your aid is to make money in some way upon your capital and at your risk.

We protest further, because we consider the passage of this bill a palpable violation of your Constitution. The latter clause of paragraph 5, of section 6, of article 3, of that instrument reads as follows: "The General Assembly shall pass no law making the State a stockholder in a corporate company, nor shall the credit of the State be granted or loaned to aid any company without a provision that the whole property of the company shall be bound for the security of the State, prior to any other debt or lien, except to laborers; nor to any company in which there is not already an equal amount invested by private persons," &c. The object of this provision is to give the State ample security—the rule being, according to the wisdom of the framers of that instrument, that the loan of the State is not safe in hands that have not invested as much as they ask the State to lend them. No such amount as three millions of dollars, in coin, is invested in this enterprise by the stockholders who ask your credit. All that we can discover ever invested was about a million of dollars, and this we take from the statement of the stockholders themselves. They have nothing to show for this investment, according to their showing, but 65 miles of graded road, worth, perhaps, a half million of dollars or nothing; and this is put against \$3,000,000, in coin, only

one-sixth instead of one-half. Now, no sensible man will hold but that if the stockholders of the Brunswick & Albany Railroad would invest in this enterprise the amount they ask of the State, the road could be built without a dollar from the State—and this they must do before they can constitutionally get this aid.

We cannot close this protest without putting upon record the further fact, that this is not the first and only time the State has aided the Brunswick & Albany Railroad. In 1835, the date of its charter, an act was passed giving them land, and in 1856 the State built the Atlantic & Gulf Railroad, commonly known as the Union Trunk Road, at a cost of a million of dollars, to assist this very road; and now, a third time, when her stock has passed into the hands of capitalists, she asks, through these capitalists, who are the only interested parties, and who do not need your assistance, still more aid.

Respectfully submitted.

JOHN HARRIS, 27th District,
WM. T. WINN, 35th District,
M. C. SMITH, 7th District,
JOHN T. BURNS, 42d District,
A. W. HOLCOMBE, 39th District,
WILLIAM GRIFFIN, 21st District,
J. J. COLLIER, 14th District,
R. T. NESBITT, 9th District,
MILTON A. CANDLER, 34th District,
WM. J. ANDERSON, 23d District,
W W MERRELL, 37th District,
RUFUS E. LESTER, 1st District,
B. B. HINTON, 24th District,
THOS. J. ADAMS, 20th District.

Mr. Hinton, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the adoption of the report, as amended, of the joint committee appointed to confer with the City Council of Atlanta in relation to the purchase of the capitol building, &c.

After debate Mr. Candler moved to lay the motion on the table; whereupon the yeas and nays were required to be recorded, and are yeas 19, nays 17.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Candler, Colman, Dickey, Fain, Higbee, Holcombe, Hungerford, Jones, Jordan, Merrill, McArthur, McCutchen, Nunnally, Sherman, Smith 36th, Wellborn, Welch.

Those voting in the negative are—

Messrs. Adams, Anderson, Bruton, Burns, Collier, Corbitt, Graham, Griffin 6th, Griffin 21st, Harris, Hinton, Lester, Moore, Nesbitt, Smith 7th, Winn, Wooten.

So the motion to lay the motion to reconsider on the table prevailed.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives has passed the following bills of the Senate, to wit:

A bill to amend an act entitled an act to make permanent the site for the public buildings at the village of Gainesville, in the county of Hall, and to incorporate the same, with amendments, assented to severally November, 1821, 1823 and 1832, and for other purposes therein named.

Also, a bill to amend the second section of an act, approved December 15, 1866, entitled an act to give landlords a lien upon the crops of tenants for stock, farming utensils, &c., and for other purposes.

Also, a bill to prescribe certain qualifications for Justices of the Peace and Constables of the militia districts embraced within the limits of the city of Savannah, and for other purposes.

The House of Representatives adhere to their amendments to the following bill of the Senate, to wit:

A bill to alter and amend an act entitled an act to organize a Criminal Court for each county of this State.

Mr. Merrill, from the Committee on the Judiciary, to whom were referred certain bills of the House of Representatives, made the following report:

Mr. President :

The Judiciary Committee recommend the passage of the following bills, to wit :

A bill to amend the charter of the town of Athens, and various acts amendatory thereto.

A bill to add to and amend the 4779th section of the Revised Code in relation to the Police Court of the city of Savannah ; to increase and extend the jurisdiction of said court, and to authorize said Police Court to take cognizance of certain criminal offenses, and inflict the proper punishment therefor.

A bill to extend the corporate limits of the town of Washington, Wilkes county.

The bill to authorize the election of ten commissioners for the county of Bibb, defining their duty, and to empower the Ordinary to issue county bonds to drain the Macon reserve, they report back without recommendation.

The following bills they recommend do not pass, to wit :

A bill to incorporate the Cherokee Building and Loan Association, the Forest City Mutual Loan Association, of Savannah, and the Railroad Mutual Building and Loan Association, of Savannah.

A bill to authorize Bartly J. McCants, a minor, to be made administrator *de bonis non* of the estate of Andrew McCants, &c.

The bill to incorporate the Athens Mutual Loan Association they recommend do pass with amendments.

They recommend the passage of the Senate bill to empower the Judges of the Superior Courts of this State to confine in the cells of the Penitentiary, when they may deem it proper for security, any prisoner committed to jail in their respective circuits for crime.

The Senate bill for the relief of Thomas W. and Nancy E. Lee, and for other purposes, they report back without recommendation.

W W MERRILL, Chairman.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President:

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following act:

“An act to authorize and require the payment into the city treasury of Savannah of the remnant of the funds raised under the act of the 16th day of February, 1856, for the building of the new jail for Chatham county, and to require the City Council of Savannah to apply said remnant of said fund to the repairing and enlargement of the jail of said county.”

Also, “an act to amend an act entitled an act to incorporate the city of Covington, in the county of Newton; to define the corporate limits thereof, and for other purposes mentioned therein.”

Also, “an act to incorporate the ‘Atlanta Canal and Water Company.’”

Also, “an act for the more efficient preservation of peace and good order on election days in this State.”

Also, “an act to authorize testators in wills to give to executors named therein such sums of money or property, as they may wish, as compensation for their services in the execution of the trust conferred, and for other purposes.

Also, “an act to authorize Judges of the Superior Courts, at chambers, to hear and determine demurrers, and hear and determine motions to revoke or change orders appointing a receiver in equity causes.”

Also, “an act to enable Robert L. J. Grant, of the county of Fulton, to peddle in this State without license.”

Also, an act to change the county line between the counties of Carroll and Paulding, &c.

Also, “an act to authorize W. R. Elder, of the county of Campbell, to peddle without a license.”

Also, “an act to incorporate the town of Spalding, in the county of Macon, and to confer upon the citizens of said town certain powers and privileges herein mentioned.”

Also, “an act to amend an act so as to secure the pro-

duce, rents or profits arising from homesteads, and for other purposes."

E. I. HIGBEE, Chairman.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit:

Mr. President:

The Governor has approved and signed the following act, to wit:

"An act in relation to the statute of limitations, and for other purposes."

Mr. Smith of the 7th District, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House for the relief of James O. Morton, of the county of Brooks, as administrator on the estate of C. J. English, deceased.

The motion did not prevail.

Mr. Burns, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House to carry into effect the report of the special committee on the accounts of the late Treasurer and Comptroller General.

After debate Mr. Harris moved to lay the motion on the table; whereupon the yeas and nays were required to be recorded, and are yeas 17, nays 16—the Chair voting yes.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Brock, Bruton, Colman, Dickey, Griffin 21st, Harris, Higbee, Hungerford, McWhorter, Nunnally, Sherman, Smith 36th, Welch, Winn, Mr. President.

Those voting in the negative are—

Messrs. Anderson, Burns, Candler, Corbitt, Fain, Graham, Griffin 6th, Hinton, Holcombe, Lester, Merrill, McCutchen, Moore, Nesbitt, Wellborn, Wooten.

So the motion to reconsider did not prevail.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

President:

The House of Representatives has passed the following bill, to wit:

A bill to amend the 86th section of Irwin's Code, changing the fiscal year so as to make it conform to the calendar year.

They have also adopted the following resolution, to wit:

A resolution requesting the Senate to return to the House a bill authorizing the City Council of Savannah to use the jail fund for the purpose of repairing the jail, in order that the said bill may be corrected.

Mr. Lester moved to reconsider so much of the Journal yesterday as relates to the action of the Senate on the motion to lay on the table the resolution of the House authorizing his Excellency the Governor to accept the surrender of the charter of the Planters' Bank of the State of Georgia.

After debate Mr. Holcombe moved to lay the motion of Mr. Lester on the table; whereupon the yeas and nays were required to be recorded, and are yeas 13, nays 18.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Bruton, Candler, Corbitt, Cockey, Graham, Griffin 21st, Holcombe, Jordan, Sherman, Welch, Winn.

Those voting in the negative are—

Messrs. Anderson, Brock, Burns, Griffin 6th, Harrison, Hinton, Hungerford, Jones, Lester, Merrill, McWhorter, Moore, Nesbitt, Nunnally, Smith 7th, Smith 36th, Wellman, Wooten.

So the motion to lay the motion to reconsider the motion on the table did not prevail.

The motion to reconsider prevailed.

After debate the question was put upon the passage of the resolution; whereupon the yeas and nays were required to be recorded, and are yeas 23, nays 8.

Those voting in the affirmative are—

Messrs. Adkins, Anderson, Brock, Bruton, Burns, Collier, Griffin 6th, Griffin 21st, Hinton, Hungerford, Jones, Jordan, Lester, Merrill, McCutchen, McWhorter, Moore,

Nesbitt, Nunnally, Smith 7th, Smith 36th, Wellborn, Wooten.

Those voting in the negative are—

Messrs. Bowers, Candler, Corbitt, Dickey, Graham, Holcombe, Welch, Winn.

So the resolution was adopted.

Mr. Nesbitt offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That Cols. W. J. Lawton, of Albany, and J. A. Billups, of Madison, be invited to seats on the floor of the Senate during their stay in Atlanta.

Mr. Bruton offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That a seat on the floor of the Senate is hereby tendered to General H. L. Benning during his stay in the city.

The Senate took up the resolution of the House requesting the Senate to return a certain bill for correction.

On motion the request of the House was granted, and the Secretary directed to return the bill forthwith.

The Senate took up the message of the House on the bill of the Senate to alter and amend an act entitled an act to organize a Criminal Court for each county of this State, to which bill the House adheres to its proposed amendments.

Mr. Harris moved to lay the message on the table, which was not agreed to.

Mr. Merrill then moved that the Senate do adhere to its amendment, and ask for a committee of conference.

After debate Mr. Griffin of the 21st District called for the previous question, which, being sustained, the main question was ordered upon the motion of Mr. Merrill, which was agreed to.

The Chair announced as such committee, on part of the Senate, Messrs. Griffin of the 21st District, Holcombe and McWhorter.

The Senate took up the special order for the day, the same being the resolution of Mr. Winn proposing to ratify

15th amendment to the Constitution of the United States, &c.

Mr. Hungerford moved that the same be made the special order for the 25th day of December next.

Mr. Burns moved to amend by making the same the special order for January 1, 1870.

After debate the question was put upon the amendment Mr. Burns; whereupon the yeas and nays were required be recorded, and are yeas 12, nays 18.

Those voting in the affirmative are—

Messrs. Adkins, Burns, Corbitt, Higbee, Jones, Lester, Arthur, McWhorter, Moore, Nunnally, Sherman, Smith &c.

Those voting in the negative are—

Messrs. Anderson, Bowers, Brock, Bruton, Colman, Collins, Fain, Gignilliat, Graham, Griffin 21st, Hinton, Hungerford, Jordan, Merrill, McCutchen, Nesbitt, Smith 7th, Wooten.

So the amendment of Mr. Burns was lost.

After debate the same was made the special order for morrow evening at three o'clock.

The Senate took up the bill of the House to incorporate the Georgia Life Insurance Company.

The Committee on Banks, to whom this bill was referred, reported the same back without recommendation.

On motion the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to incorporate the town of Angston, in the county of Bartow; to appoint commissioners for the same, and for other purposes.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to exempt from taxation capital, home and foreign, hereafter invested in the manufacture of cotton, wool and other fibrous materials.

; pending the consideration of which, the hour having expired, the President announced the Senate adjourned until three o'clock, p. m.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment and was called to order by the President.

The following bill of the House was taken up and read the first time, to wit :

A bill to amend section 86 of Irwin's Code, changing the fiscal year so as to make it conform to the calendar year.

The following bill of the House was taken up and read the second time and referred to the Finance Committee, to wit :

A bill to reduce the salary of the State Librarian.

The following bills of the House were taken up and severally read the second time and referred to the Committee of the Whole, to wit :

A bill to incorporate the Georgia Land, Immigration and Manufacturing Company.

A bill to amend an act, approved October 3, 1868, to provide for setting apart a homestead of realty and personalty.

A bill for the relief of Jarvis R. Maxwell, of the county of Bartow.

A bill to prescribe the duty of the State Treasurer as to the safe keeping of the public funds, and for other purposes.

A bill to repeal the third section of an act entitled an act to define the liability of the railroad companies of this State for injuries to person and property; to prescribe in what counties they may be sued, and how served with process.

A bill to abolish certain offices connected with the Penitentiary.

A bill to prescribe the time within which Justices of the Peace, and Notaries Public and *ex officio* Justices of the Peace, in the county of Chatham, shall forward to the clerks of the appropriate courts warrants and other papers in all criminal cases, when the accused shall have been committed to jail, and to provide a penalty for violation of this act.

A bill to change the time of holding the Superior Courts of Morgan county.

A bill to authorize the Tax Collectors of Murray county to receive jury certificates in payment of county tax.

A bill to amend an act to be entitled an act to charter the Georgia Fire and Life Insurance Company.

A bill to authorize Ledford Umphries, a maimed soldier, to draw pictures without tax.

A bill for the relief of J. Rosenfield & Brother.

A bill for the relief of J. H. Stockton, of the county of Columbia.

A bill to change the county line between Bartow and Polk.

A bill to amend section 3565 of Irwin's Code, so as to change the length of time Ordinaries are to publish citations to discharge administrators.

A bill to regulate ferries and ferrymen in the State of Georgia.

A bill to authorize the admission to plead and practice law of William G. Irwin, an unnaturalized citizen.

A bill to provide more effectually for the collection of poll tax.

A bill to incorporate the town of Drayton, in the county of Dooley.

A bill explanatory of an act to educate the indigent maimed soldiers of Georgia, and to provide means for the same, approved December 18, 1866.

A bill granting amnesty for all crime in the counties of Quitman and Randolph, in the State of Georgia, committed prior to June, 1865.

A bill to amend an act to regulate licensing physicians and druggists in this State.

A bill to incorporate the Georgia Benevolent Mutual Life Insurance Company, and for other purposes therein mentioned.

A bill to relieve D. & H. Beusse of double taxation for the year 1867.

A bill to determine land lines in this State, and to define the duties of County Surveyor in running the same.

A bill to amend section two of an act entitled an act for

the relief of debtors, and to authorize the adjustment of debts upon the principles of equity.

A bill to change the line between the counties of Cherokee and Pickens.

A bill for the relief of the heirs of Hiram H. Hussey, late of Meriwether county.

A bill to amend an act entitled an act to incorporate the Central Georgia Mutual Life Insurance Company.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit :

Mr. President :

The Governor has approved and signed the following acts, to wit :

“An act to incorporate the Atlanta Canal and Water Company.”

“An act for the more efficient preservation of peace and good order on election days in this State.”

“An act to authorize testators in wills to give to executors named therein such sums of money or property, as they may wish, as compensation for their services in the execution of the trust conferred, and for other purposes.”

Also, “an act to amend an act entitled an act to incorporate the city of Covington, in the county of Newton; to define the corporate limits thereof, and for other purposes mentioned therein.”

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following acts, to wit :

An act to change the county line between the counties of Henry and Butts.

Also, an act legalizing the election of William J. Brown as Sheriff of Quitman county.

Also, an act to declare void the unauthorized sale of

ild lands by Tax Collectors of the counties where the lands are located, and to direct the refunding of moneys received therefor.

Also, an act to make it a penal offense for owners or persons controlling billiard tables or ten-pin alleys to allow minors to play or roll on their tables or alleys without the consent of their parents or guardians.

Also, an act for the relief of John V. Price, William Tilcher and Robert C. Black, as securities on the bond of Samuel Dawson, deceased, late Sheriff of Sumter county.

Also, an act to create a board of commissioners of roads and revenue, in the county of Harris.

Also, an act for the relief of B. G. Poole, M. A. Hardin and F. M. Ford, of the county of Bartow.

E. I. HIGBEE, Chairman.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit :

Mr. President :

The Governor has approved and signed the following acts, to wit :

“An act to incorporate the town of Spalding, in the county of Macon, and to confer upon the citizens of said town powers and privileges herein mentioned.”

“An act to enable Robert L. J. Grant, of the county of Fulton, to peddle in this State without license.”

“An act to amend section 2406 of Irwin’s Code, in relation to executors *de son tort*, and for other purposes.”

Also, “an act to amend an act entitled an act for the relief of debtors, and to authorize the adjustment of debts upon principles of equity, passed in 1868.”

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit :

Mr. President :

The Governor has approved and signed the following acts, to wit :

“An act to authorize W. R. Elder, of the county of Campbell, to peddle without license.”

“An act to authorize Judges of the Superior Courts, at chambers, to hear and determine demurrers, and hear and determine motions to revoke or change orders appointing a receiver in equity causes.”

“An act to incorporate the Workingmen’s Mutual Relief Association of Georgia.”

“An act to authorize the Ordinary of Thomas county to levy and collect an extra tax for county purposes.”

Also, “an act to exempt blind persons from paying poll tax.”

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following acts:

“An act to give Ordinaries of the respective counties of this State jurisdiction in cases of nuisance.”

Also, “an act to amend an act to authorize the consolidation of the stock of the Savannah, Albany & Gulf Railroad Company and the Atlantic & Gulf Railroad Company, and for other purposes.”

Also, an act to incorporate the Rome & Summerville Turnpike Company.

Also, “an act to amend an act entitled an act to make permanent the site for the public buildings at the village of Gainesville, in the county of Hall, and to incorporate the same with amendments, assented to severally November, 1821, 1823 and 1832, and for other purposes therein named.”

Also, “an act to authorize Edward S. Mann, of Gordon county, J. C. Davenport, P. H. Gallamore and John Smith, of Haralson county, and Joseph Nowlan, of Carroll county, and Wm. T. Elrod, of Habersham county, and Elisha Carter, of Greene county, to peddle without license.”

Also, “an act to amend the second section of an act, approved December 15, 1866, entitled an act to give land-

wards a lien upon the crops of tenants for stock, farming utensils, &c., and for other purposes."

E. I. HIGBEE, Chairman.

The Senate then resumed the unfinished business of the day, the same being the bill of the House to exempt from taxation all capital, home and foreign, hereafter invested in the manufacture of cotton, wool or other fibrous materials, &c.

Mr. Wooten offered the following amendment, which was adopted, to wit:

"*Provided*, That the provisions of this act shall not apply to capital heretofore invested, or that may hereafter be invested, in the stock of factories already in operation."

The report of the committee was agreed to. The bill, as amended, was read the third time and passed.

The Senate took up the bill of the House to authorize the election of ten commissioners for the county of Bibb, defining their duty, and to empower the Ordinary to issue county bonds to drain the Macon reserve.

The Judiciary Committee, to whom this bill was referred, reported the same back without recommendation.

On motion the bill was read the third time and passed.

The Senate took up the bill of the House to regulate the agencies of insurance companies not incorporated by the State of Georgia, for which the Judiciary Committee report the following as a substitute, and recommend its passage in lieu of the original, to wit:

A bill to be entitled an act to regulate insurance business and insurance agencies in the State of Georgia.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Assembly met, and it is hereby enacted by authority of the same*, That it shall not be lawful for any insurance company, or agent of the same, excepting Masonic, Odd Fellows and Religious Mutual Aid Societies already chartered by this State, to transact any business of insurance without first procuring a certificate of authority from the Comptroller General of this State, and before obtaining such certificate, such company must furnish the

Comptroller General with a statement, under oath, specifying—

First. The name and locality of the company.

Second. The condition of such company on the thirty-first day of December then next preceding, exhibiting the following facts and items in the following forms, namely:

First. The amount of the capital stock of the company, and what part of the same has been paid up in cash, and what part is in notes of the stockholders, and how such notes are secured.

Second. The property or assets held by the company, specifying—

1. The value, or as nearly as may be, of the real estate held by such company.

2. The amount of cash on hand and deposited in banks to the credit of the company.

3. The amount of cash in the hands of agents and in course of transmission.

4. The amount of loans secured by bonds and mortgages on real estate.

5. The amount of other loans, and how secured.

6. The amount of stocks of this State, of other States in the United States, of the United States, and of any other stocks owned by the company, specifying the amounts, number of shares and par and market value of each kind of stock.

7. The amount of interest actually due and unpaid.

8. The amount of premium notes on hand upon which policies have been issued.

Third. The liabilities of the company, specifying—

1. The amount of losses due and yet unpaid.

2. Amount of claims for losses resisted by the company.

3. The amount of losses not yet due, including those reported to the company, on which no action has yet been taken.

4. The amount of dividends declared and due and remaining unpaid.

5. The amount of dividends declared but not yet due.

6. The amount of money borrowed.

7. The amount of all other claims against the company.

Fourth. The income of the company during the preceding year, specifying—

1. The amount of the cash premiums received.
2. The amount of notes received for premiums.
3. The amount of interest money received.
4. The amount of income received from other sources.

Fifth. The expenses during the preceding year, specifying—

1. The amount of losses paid during the year.
2. The amount of dividends paid during the year.
3. The amount of expenses paid during the year, including fees and commissions to agents and officers of the company.
4. The amount paid in taxes.
5. The amount of all other payments and expenditures.

Sixth. The greatest amount insured in any one risk.

Seventh. A certified copy of the act incorporating the company.

SEC. 2. The said statement shall be filed in the office of the Comptroller General.

No company, excepting Masonic, Odd Fellows and Religious Mutual Aid Societies already chartered by this State, shall be allowed to transact any business of insurance in this State, unless possessed of at least one hundred thousand dollars of actual cash capital paid in or assets, and invested in bonds and stocks, estimated at their actual market value at the date of such statement, and in mortgages on real estate, worth double the amount for which the same is mortgaged.

SEC. 3. Upon filing such statement, as aforesaid, the Comptroller General, when satisfied that the company has fully complied with the provisions of this act, shall issue a certificate of authority to transact business of insurance in this State to the company applying for the same, and to all agents such company may appoint and commission.

SEC. 4. Said statement must be rendered, annually, on the first day of January in each year, or within sixty days thereafter; and if the Comptroller General is satisfied

that the capital, securities and investments remain secured as at first, he shall furnish a renewal of the certificate. Insurance companies shall not be required to furnish but the single statement annually.

The Comptroller General shall be entitled to a fee, for examining and filing each statement of such company, of seven and one-half dollars; and for certificates to agents, of two and one-half dollars; which fees shall be paid by the company or agent filing the said statement, and to whom certificates are to be issued.

SEC. 5. Whenever the existing or future laws of any other State of the United States shall be required of insurance companies incorporated by this State, and having agencies in such other States, or of the agents thereof of any deposits of securities in such State for the protection of policyholders, or otherwise, or any payment for taxes, penalties, certificates of authority, license fees, or otherwise, greater than the amounts required for such purposes from similar companies of other States by the then existing laws of this State, then, and in every such case, all companies of such States establishing, or having heretofore established, an agency or agencies in this State, shall be, and are hereby, required to make the same deposit for a like purpose with the Comptroller General of this State, and to pay to said Comptroller General, for taxes, fines, penalties, certificates of authority, license fees, and otherwise, an amount equal to the amount of such changes and payments imposed by the laws of such State upon companies of this State and agents thereof.

SEC. 6. That all persons violating the provisions of this act shall be liable to indictment, and, on conviction, shall be fined not less than one hundred dollars nor more than five hundred dollars, at the discretion of the court trying the same.

SEC. 7. That this act shall take effect on the first day of June next.

SEC. 8. That all laws and parts of laws conflicting with this act are hereby repealed.

The substitute was passed in lieu of the original under the following title, to wit:

"A bill to be entitled an act to regulate insurance business and insurance agencies in the State of Georgia."

The Senate took up the bill of the House to repeal sections 1456, 1457, 1458, 1459, 1460, 1461 of Irwin's Revised Code, so far as relates to the counties of Monroe, Morgan, Macon and Houston, and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported the same back without recommendation.

On motion the counties of Monroe and Macon were stricken out.

Mr. Harris proposed the following amendment, which was adopted, to wit:

"*Provided*, That the measures of this bill shall not operate upon any stock from the county of Newton."

On motion the bill, as amended, was read the third time and passed.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

The House of Representatives accepts the proposition of the Senate for a committee of conference on the amendment of the House to a bill of the Senate to be entitled an act to alter and amend an act entitled an act to organize a Criminal Court for each county of this State, and have appointed as such committee, on the part of the House, Messrs. McCullough, Zelner, Carpenter of Hancock, Park of Greene and Hooks.

They have also passed the following bill:

A bill to be entitled an act to extend the aid of the State of Georgia to the Alabama & Chattanooga Railroad Company.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report, to wit:

Mr. President:

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representa-

tives, and ready for the signature of the President of the Senate, the following acts, to wit :

An act to incorporate the Georgia Reed and Fibre Manufacturing Company.

Also, an act to incorporate the Berne Planting, Manufacturing and Fruit Growing Company, in Camden county, Georgia.

Also, an act to provide for farming out the Penitentiary, and for other purposes.

E. I. HIGBEE, Chairman.

The Senate took up the bill of the House to appropriate money for the payment of the amounts now due and unpaid to the schools and colleges of this State for the education of indigent maimed soldiers.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

On motion the report of the committee was disagreed to.

Mr. Hinton proposed the following amendment, which was adopted, to wit :

“Provided, Nothing in this bill shall be so construed as to authorize the payment of any claims which may hereafter be created.”

On motion the bill, as amended, was read the third time and passed.

The Senate took up the bill of the House for the relief of Isaiah Williams, of Dooly county.

The Finance Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to establish the fees of the Solicitor General of the Eastern Circuit, and of the Clerk, Sheriff and bailiffs of the City Court of Savannah, for their services and attendance on the monthly sessions of said City Court of Savannah, and to provide for the payment of the same as far as regards insolvent persons charged with crime and tried before said court at said monthly sessions, and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to legalize an election held for Justice of the Peace in the 451st district G. M., of Ware county, on the 31st day of October, 1868, and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage, with the following amendment, to wit:

"Strike out second section."

The report of the committee was agreed to. The bill, as amended, was read the third time and passed.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following acts.

An act to prescribe certain qualifications for Justices of the Peace and Constables of the militia districts embraced within the limits of the city of Savannah, and for other purposes.

Also; an act to change the line between the counties of Twiggs and Wilkinson, so as to include the lands and residence of Andrew Floyd, of Wilkinson county, and the lands of W. H. Stokes, now in the county of Wilkinson, to the county of Twiggs.

E. I. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tem.*:

Mr. President:

The House of Representatives has passed the following

bill of the Senate, with certain amendments, in which they ask the concurrence of the Senate, to wit :

A bill to authorize and require the payment into the city treasury of Savannah of the remnant of the fund raised under the act of the 16th day of February, 1856, for the building of a new jail for Chatham county, and to require the City Council of Savannah to apply said remnant of said fund to the repairing and enlargement of the jail of said county.

The Senate took up the bill of the House to amend the 12th section of an act to provide for setting apart a homestead of realty and personalty.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

Mr. Harris gave notice that he would move to reconsider the action of the Senate on the foregoing bill on tomorrow.

The Senate took up the report of the Committee of the Whole on the bill of the House to amend the several acts incorporating the town of Cartersville.

Mr. Burns proposed the following amendments, which were adopted, to wit :

SECTION —. *Be it further enacted by the authority aforesaid*, That the commissioners of the town of Cartersville, or a majority of them, are hereby authorized to issue bonds of the town to the amount of twenty-five thousand dollars, bearing legal interest, payable semi-annually, and redeemable within ten years from the date of issue ; said bonds to be signed by the president of the board of commissioners and countersigned by the treasurer of the corporation, and based upon the faith and credit of the town, which is hereby pledged for their redemption ; *Provided*, That the commissioners aforesaid shall not issue said bonds, or any part thereof, until they shall have received the assent of the qualified voters of the town ; said assent to be determined by an election to be held for the purpose in said town, of which ten days' notice shall be given, setting forth

the amount to be issued, and the manner in which it is proposed to invest the said bonds. If the majority of the votes cast be in favor of the issue and investment, then the board of commissioners aforesaid, or a majority of them, may issue and invest the sum determined as aforesaid, in accordance with the expressed will of the voters at the election above authorized; *Provided*, That not more than twenty-five thousand dollars in the aggregate be issued under the provisions of this act.

SEC. —. That the board of commissioners aforesaid, or a majority of them, are hereby authorized to invest the bonds issued under the provisions of this act, or any part thereof, or the proceeds of the sale of the same, in the stock of the Cartersville & Van Wert Railroad Company, or in such other manner as the qualified voters of the town, or a majority of them, may assent to, in the manner hereinbefore set forth.

SEC. —. That the board of commissioners aforesaid, or a majority of them, are hereby authorized and required, in the event the said bonds, or any portion of them, are issued, to levy an extra tax to secure their redemption, sufficient in amount to meet the several installments as they become due, including interest.

SEC. —. Repeals conflicting laws.

The Senate took up the bill of the House to repeal an act entitled an act to change the line between the counties of Crawford and Upson.

The Committee on New Counties and County Lines, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House for the encouragement of the agricultural interests of this State by giving planters good credit, and giving proper security to persons who extend such credit, and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage, with the following amendment, to wit:

“Provided, That the defendant, by affidavit of illegality, may deny the truth of said affidavit.”

The report of the committee was agreed to. The bill, as amended, was read the third time and passed.

The Senate took up the bill to repeal an act changing the line between the counties of Irwin and Berrien, approved December 17, 1859.

The Committee on New Counties and County Lines, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to change section 1045 of Irwin's Revised Code, and require the Secretary of State to compile the acts of each session of the General Assembly.

On motion the bill was laid on the table.

The Senate took up the bill to authorize improvements to be made on the reserve at Indian Spring, in the county of Butts, and to protect the same from trespass, and for other purposes therein mentioned.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to amend an act entitled an act to alter and amend section 4813 of the Revised Code of Georgia, providing for the monthly sessions of the City Court of Savannah; to extend the criminal jurisdiction of the City Court of Savannah; to authorize the speedy and summary trial of criminal cases in said City Court, and for other purposes, approved October 8, 1868.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to allow John Taylor and others to peddle without a license in this State.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to carry into effect section 8, article 2, of the Constitution of this State.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage with the following amendment, to wit:

Amend section first by adding the following after the words "election days," to wit: "or within one mile from the city, town or precinct where elections may be held."

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to incorporate the Albany & Columbus Railroad, and granting certain privileges to the same.

The Committee on Internal Improvements, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to alter and amend the second section of an act entitled an act to incorporate the town of Morgan, in the county of Calhoun, approved March 5, 1856, and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House for the relief of A. J. Bankston, of the county of Catoosa, and Daniel Landers, Ezekiel Mathews and Young Johnson, of the county of Crawford.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to incorporate St. Mary's Lodge of Free and Accepted Masons, and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the report of the Committee of the Whole on the bill of the House to change the line between the counties of Macon and Houston, so as to include the residence of Sterling Neil, in the county of Houston.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to change the corporate limits of the town of Fort Valley, so as to include within said corporate limits all the territory within one mile of the Methodist church of said town.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to extend the jurisdiction of Constables in the county of Murray.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage, with the following amendment, to wit:

Strike out 1st section after the enacting clause, so as to read as follows: "It shall be lawful for any Constable of the several counties of this State to execute and return any process issued by a Justice of the Peace or Notary Public of the said counties, but he shall return the said process to a Justice of the Peace residing in the militia district where the defendant or defendants resides at the time of the issuing of said process." Also, to amend the title, so as to conform to the above, which will read as follows: "A bill to be entitled an act to extend the jurisdiction of Constables in the several counties of this State."

The report of the committee was agreed to. The bill, as amended, was read the third time and passed under the foregoing title.

The Senate took up the bill of the House to amend an act entitled an act to extend the corporate limits of the town of Hamilton, Harris county, and to create and give additional powers to the corporate authority of said town, assented to December 19, 1859.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to amend an act entitled an act to amend the several acts of force in relation to the incorporation of the town of West Point, in Group county, and to incorporate the same under the name of the city of West Point, and to provide for the election of a Mayor and four Aldermen, and such other officers as may be required, and centre upon them specified powers, and for other purposes therein mentioned.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

On motion the word "March" was stricken out and the word "May" inserted in lieu thereof; also, the word "centre," wherever it occurs, was stricken out and the word "confer" inserted in lieu.

The report of the committee, as amended, was agreed to, and the bill, as amended, was read the third time and passed.

The Senate took up the bill of the House to legalize all the official acts of Joseph D. Harrison, late deputy clerk of the Superior Court of Jackson county.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to authorize John C. Smith and William M. Pitts, commissioners in the incorporation of the town of Thomson, in the county of

Columbia, in this State, to order an election for three additional commissioners of said town.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to authorize the Ordinary of Towns county to levy an extra tax for the purpose of building a jail.

The Finance Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass with the following amendment, to wit:

“Provided, Such amount be recommended by the grand jury”

The report of the committee was agreed to. The bill, as amended, was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, a bill of the House to amend an act entitled an act to amend an act incorporating the town of Thomasville, approved March 6, 1856.

The report of the committee was agreed to, and the bill was lost.

The Senate took up, as the report of the Committee of the Whole, a bill of the House to amend the charter of the town of Sandersville.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, a bill of the House to authorize the West Point Railroad Company to subscribe for stock in the Columbus & West Point Railroad Company.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to amend an act for the relief of debtors, and to authorize the adjustment of debts upon the principles of equity.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill
lost.

The Senate took up the bill of the House for the relief
maimed soldiers and officers belonging to certain mili-
tary organizations, who were citizens of this State on the
1st day of December, 1866, and who have not been sup-
plied with an artificial limb, or its equivalent in money.

The Finance Committee, to whom this bill was referred,
reported adversely to its passage.

The report of the committee was agreed to, and the bill
lost.

The Senate took up the report of the Committee of the
whole on the bill of the House to repeal an act to incor-
porate the town of McIntosh, in the county of Butts.

On motion the bill was laid on the table.

The Senate took up the bill of the House to change the
line between the counties of Cherokee and Pickens.

The Committee on New Counties and County Lines, to
whom this bill was referred, reported in favor of its pas-
sage.

The report of the Committee was agreed to. The bill
was read the third time and passed.

The Senate took up the bill of the House for the relief
of William B. Heptinstall, of Chattooga county.

The Judiciary Committee, to whom this bill was referred,
reported the same back without recommendation.

On motion the bill was read the third time and passed.

The Senate took up the report of the Committee of the
whole on the bill of the House to amend an act entitled
"An act to incorporate the town of Forrestville, in the
county of Floyd, and the State of Georgia, and to appoint
commissioners for the same, and for other purposes, and to
extend the corporate limits of said town."

The report of the committee was agreed to. The bill
was read the third time and passed.

The Senate took up the bill of the House to extend
the corporate limits of the town of Washington, Wilkes
county.

On motion the bill was laid on the table.

The Senate took up the bill of the House to change the county line between the counties of Haralson and Polk, so as to include lot of land number 341, 20th district, 3d section, in the county of Haralson.

The Committee on New Counties and County Lines, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to add to and amend the 4779th section of the Revised Code of Georgia in relation to the Police Court of the city of Savannah; to increase and extend the jurisdiction of said Police Court, and to authorize said Police Court to take cognizance of certain criminal offenses and inflict the proper punishment therefor.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass, with the following amendment, to wit:

“Provided, That the said court shall try no case where the arrest of the offender shall be in the first instance upon written warrant.”

The following bill of the House was taken up and read the first time, to wit:

A bill to extend the aid of the State of Georgia to the Alabama & Chattanooga Railroad Company.

Leave of absence was granted Senator Adams on account of indisposition; also, to Senator Adkins, for the day.

On motion of Mr. Fain the Senate adjourned to meet again at half past seven o'clock, P. M.

7 O'CLOCK, P. M.

The Senate met pursuant to adjournment and was called to order by the President.

The Senate took up the report of the Committee of the Whole on the bill of the House to change the corporate lines of the city of Cutlibert.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to carry into effect the fourteenth section of fifth article of the Constitution of Georgia.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do not pass.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to authorize Battie H. Mitchell and J. W. Davis to peddle in Coweta county without license.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

On motion the report of the committee was disagreed to.

Mr. Smith of the 36th District moved to amend by striking out the name of "J. W. Davis," which motion prevailed.

On motion of Mr. Smith of the 36th District the bill, as amended, was then read the third time and passed.

The Senate took up the bill of the House to incorporate Homersville, in the county of Clinch, and to appoint commissioners for the same, and for other purposes therein mentioned.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to amend the charter of the Georgia Home Insurance Company, of Columbus, Georgia, passed December 12, 1859.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to authorize the Tax Collectors of Pickens and Henry counties to receive, in the payment for county taxes, jury certificates for jury duty rendered in 1868 and 1869.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to compel the Justice of the Peace and Notary Public in the 41st district G. M., in Tatnall county, to hold courts at Reidsville, in said county.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to incorporate the Etowah Canal and Water Works Company.

The Committee on Internal Improvements, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to authorize deputy county surveyors, or city surveyors, to lay off homesteads, and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to incorporate the town of Thomaston, in the county of Upson; to appoint commissioners for the same, and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to amend the 129th section of Irwin's Revised Code, and to require the Governor to issue commissions to all public officers, upon their taking the oath in said section, as amended—the oath of office—and the performance of such other acts as such officers as are now required by law.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to authorize the town commissioners of the town of Spring Place, Murray county, to issue license for the retail of ardent spirits, and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to allow William J. Wilcox, of the county of Coffee, and Willis R. Ivey, of the county of Habersham, to peddle without paying license in their respective counties.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to open and construct a railroad by the way of Canton, in Cherokee county, to the town of Jasper, in the county of Pickens, and to incorporate the same.

The committee on Internal Improvements, to whom this bill was referred, reported the same back with the recommendation that the same do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to allow T. B. Thompson to peddle without license.

The Committee on the Judiciary, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to change the line between the counties of Spalding and Henry, so as to

add lot number 20, in the 3d district of Henry county, to Spalding.

The Committee on New Counties and County Lines, to whom this bill was referred, reported the same back with the recommendation that the same do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to amend the charter of the town of Athens, and various acts amendatory thereto.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to amend an act entitled an act to enlarge the boundaries of the town of LaGrange, and for other purposes, approved March 3, 1856.

The Judiciary Committee, to whom this bill was referred, reported in favor of the passage of the same.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to change the line between the counties of Cobb and Paulding, in this State.

The Committee on New Counties and County Lines, to whom this bill was referred, reported the same back with the recommendation that it do not pass.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to change the line between the counties of Randolph and Clay.

The Committee on New Counties and County Lines, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to reduce the amount of the official bonds of the Sheriffs of Irwin and Habersham counties.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to authorize the Tax Collector of Haralson county to accept jury certificates in payment of county taxes.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to authorize the several Ordinaries of this State to receive from the securities of any Tax Collector, in default, any insolvent county orders of the county for any sum that the Tax Collector may be in default.

The Finance Committee, to whom this bill was referred, reported the same back with the recommendation that it do not pass.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to change the lines between the counties of Meriwether and Coweta.

The Committee on New Counties and County Lines, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the bill of the House to legalize and make valid the acts of the old Justices of the Peace who have held over.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the bill of the House to amend an act entitled an act to incorporate the village of Cave Spring, in the county of Floyd, and for other purposes.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to compel the Ordinary of Tatnall county to keep his office in Reidsville, Tatnall county.

The Judiciary Committee, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to incorporate the Paramore Hill Manufacturing Company.

The Committee on Agriculture and Manufactures, to whom this bill was referred, reported the same back with the recommendation that it do pass.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to amend an act to provide for the payment of cost due Sheriffs and Clerks in insolvent cases in Thomas county.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to enable John Shaffield to peddle in the county of Camden without license.

The Finance Committee, to whom this bill was referred, reported the same back with the recommendation that it do not pass.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to authorize the Ordinary of Talbot county to levy a tax to pay annual current expenses of said county of Talbot.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to change the county line between the counties of Johnson and Laurens.

The Committee on New Counties and County Lines, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to issue bonds for county purposes for the county of Bibb.

On motion the bill was read the third time and passed.

The Senate took up the bill of the House to incorporate the Planters' Acid and Phosphate Manufacturing Company of Georgia.

The Committee on Agriculture and Manufactures, to whom this bill was referred, reported in favor of its passage, with the following amendments, to wit:

Strike out in section six, fifth line, the letter "s" from the word "points;" also, the letter "s" from the word "places."

Mr. Anderson proposed the following amendment, to wit:

Be it further enacted, That the provisions of this act apply to the Americus Phosphate and Acid Manufacturing Company, to be composed of the following parties and their successors: E. J. Eldridge, G. S. Rosser, A. J. Smith, T. M. Furlow, S. J. Passmore, J. J. Oliver, W. B. Harrold, M. J. Morgan and William Sirrine—the company to be located at Americus, Sumter county, Georgia.

Be it further enacted, That the provisions of section seven of this act apply to Reed's Phosphate Manufactory, at Maxey's, Oglethorpe county, Georgia.

On motion the amendment of Mr. Anderson was agreed to.

The report of the committee was agreed to. The bill, as amended, was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to open the Oconee River up to Parks' Mill.

On motion the bill was indefinitely postponed.

The Senate took up the bill of the House to relieve Thomas A. Grace and others of double tax for 1868, and for other purposes.

The Finance Committee, to whom this bill was referred, reported the same back without recommendation.

Mr. Smith of the 36th District proposed to amend by inserting the name of H. Brewster as trustee for the minor children of T. J. Long, of Coweta, which was agreed to.

Mr. Smith of the 7th District moved to amend by inserting the name of J. R. S. Davis, of Thomas county, which was agreed to, and the bill, as amended, was read the third time and passed.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit:

Mr. President:

The Governor has approved and signed the following acts, to wit:

“An act to amend an act to secure the produce, rents or profits arising from homesteads, and for other purposes.”

“An act to relieve Mrs. Nancy Ingram, of the county of Union, from all liability upon a certain recognizance therein named.”

“An act to authorize and require the Ordinaries of the counties of Stewart and Webster to levy taxes for the payment of insolvent costs in criminal cases upon recommendation of the grand jury.”

“An act to authorize the Ordinary of Lowndes county to issue scrip for the purpose of raising funds to pay for the building of a court-house.”

Also, “an act to incorporate the Tazwell Cotton Manufacturing Company, in Marion county.”

The Senate took up the bill of the House for the relief of Zachariah Stephenson and others, securities on the Tax Collector's bond in Talbot county, so far as relates to their liability for taxes going to said county.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

On motion the report of the committee was disagreed to. The bill was read the third time and passed.

The Senate took up the bill of the House to incorporate the Muscogee Manufacturing Company, of Columbus, Georgia.

The Committee on Agriculture and Manufactures, to whom this bill was referred, reported in favor of its passage, with the following amendment, to wit: "Strike out the ninth section."

The report of the committee was agreed to. The bill, as amended, was read the third time and passed.

The Senate took up the bill of the House to incorporate the Georgia Methodist Mutual Life Insurance Company.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to appropriate three hundred dollars to Rev. H. C. Hornady for services rendered in procuring supplies for the destitute of Georgia.

Mr. Nunnally moved to strike out "three" and insert "five" in lieu, which motion did not prevail.

Mr. Nunnally then moved to strike out "three" and insert "six," which motion did not prevail.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the report of the Committee of the Whole on the bill of the House to incorporate the Georgia Slate and Mining Company.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to incorporate the town of Montezuma, in the county of Macon.

Mr. Jones proposed the following amendments, which were adopted, to wit:

"Be it further enacted, That the inhabitants of the village of Ray Town, in the county of Taliaferro, in this State,

be, and they are also declared, a body politic and corporate."

And be it further enacted, That Bryant Ivey, H. H. Flynt, W. F. Nance, L. A. Moore and R. H. Moore are hereby appointed commissioners of said village of Ray Town, with full power and authority to make all by-laws and regulations necessary for the government of said village of Ray Town, and that the corporate limits of said village shall be one-half mile in every direction from the residence of Bryant Ivey; and that all the provisions of this act be extended to, and conferred on, the inhabitants of Ray Town, in Taliaferro county, made applicable to said village, and that said commissioners, herein appointed for said village, be invested with the same power and authority that is conferred by this act on the commissioners therein appointed for said town of Montezuma.

Be it further enacted, That the inhabitants of the village of Rutledge, in the county of Morgan, in this State, be, and they are also declared, a body politic and corporate.

And be it further enacted, That Joseph Lemon, William Gregory, A. W. Edwards, W. R. Crittenden and J. A. Stewart are hereby appointed commissioners of said village of Rutledge, with full power and authority to make all by-laws and regulations necessary for the government of said village of Rutledge, and that the corporate limits of said village shall be 800 yards in every direction from the store-house of Joseph Lemon; and that all the provisions of this act be extended to, and conferred on, the inhabitants of Rutledge, in the county of Morgan, made applicable to said town; and that said commissioners, herein appointed for said village, be invested with the same power and authority that is conferred by this act on the commissioners therein appointed for said town of Montezuma.

Mr. Nunnally proposed the following amendment, which was adopted, to wit: and the following to section 1, "except on the south side, which shall not extend further south from said depot along the Dooly road than the south end of the Beaver Creek bridge embankment."

The report of the committee was agreed to. The bill, as amended, was read the third time and passed.

The Senate took up the bill of the House to change the line between the counties of Clinch and Coffee.

Mr. McWhorter proposed the following amendment, which was adopted, to wit:

“By changing the county line between the counties of Oglethorpe and Wilkes, so as to include the plantation of Dr. Samuel Glenn, lying on Dry Fork Creek of Wilkes county, in the county of Oglethorpe.”

The bill was then read the third time and passed under the following title, to wit:

“A bill to be entitled an act to change the lines between the counties of Clinch and Coffee and Oglethorpe and Wilkes.”

The Senate took up the bill of the House to incorporate the Athens Mutual Loan Association.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House for the relief of Fairman F. Tabor and his wife, Louisa Jane Tabor, formerly Louisa Jane Patch.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the bill of the House for the relief of William B. Heptinstall, of the county of Chattooga.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to. The bill was read the third time and passed.

Mr. Lester offered the following resolution, to wit:

Resolved by the Senate and House of Representatives in General Assembly met, That from and after the passage of this resolution, all bills applying for charter of railroad

companies, and bills asking State aid to railroads, and other internal improvements, shall, before final action thereon, be submitted to the Engineer and Superintendent of Public Works, who shall carefully examine into the merits of said works, and shall thereupon transmit, through his Excellency the Governor, to that branch of the Legislature where said bills originated, a report setting forth all such facts as may appertain to the same. And the Presidents, or other representatives of said companies, be, and they are, required to furnish to the Engineer and Superintendent of Public Works plans, profiles and estimates of said works, together with certified lists of all stocks subscribed to the same in the sections where said works are located, and also the amount of capital, foreign or domestic, which may be pledged for the prosecution of said works, and any other information that may be needed in making reports under the provisions of this law.

And be it further resolved, That it shall be the duty of the Engineer and Superintendent of Public Works, in addition to the duties imposed by an act creating the office of engineer and charging that office, the Superintendent of Public Works of the State, approved December 23, 1819, and of a further, approved December 22, 1850, and of a joint resolution entitled a resolution for the purpose of protecting the interest of the State in lending aid to certain railroads, approved September 21, 1868, keep a register, in which he shall record each and every bond which shall receive the endorsement of the State, together with the date of said bond or bonds, the denomination of the same, the act or acts under authority of which said bonds are endorsed, and the person, persons or corporation to which said bonds are delivered. Nor shall it be lawful, after the passage of this resolution, to deliver to any company, corporation, or the representative or agent of the same, any bonds so endorsed until said entry shall have been first made, and the fact of said entry endorsed upon said bond by the officer charged with this duty. And he shall transmit to the Legislature, with his annual report, a correct list of all such bonds; and it shall be his duty, in

addition, to keep a full record of all the transactions of his department, and to preserve on file, for the use of the Legislature and Executive Department, all reports and other documents furnished by railroads and other corporations under the provisions of the law

Be it further resolved, That no additional compensation shall be allowed the Superintendent of Public Works, or to any clerk or other employee in said office, for the performance of these duties.

Pending action, on motion the Senate adjourned until to-morrow morning at half past nine o'clock.

SENATE CHAMBER, ATLANTA, GA.,
Wednesday, March 17, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Hinton, Honorable Senator from the 24th District.

The roll was called and the Journal of the previous day was read and approved.

The rule was suspended, and Mr. Jones offered the following resolution, which was lost, to wit:

WHEREAS, The improvement of stock is a matter of extreme interest to the people of the State; and whereas, S. E. Smith is the owner of an ox known as the Big Ox, and has him now on exhibition in the city; and whereas, the exhibition of said ox is a matter of interest and advantage to stock-raisers; and whereas, the present tax law is very oppressive to said S. E. Smith, the owner of the said ox;

Be it therefore resolved, That said S. E. Smith be relieved from the payment of any special tax for the exhibition of said ox in this State, and that all sums of money heretofore collected by the State from the said Smith, for the exhibition of the said ox, be, and the same is hereby, ordered to be refunded.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

Mr. President :

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following resolution :

“A resolution authorizing the Secretary of State to have his ‘office seal’ renewed.”

E. I. HIGBEE, Chairman.

The Senate took up the message of the House on the Senate’s amendment to the bill of the House to levy and collect a tax for the support of the government for the year 1869.

Mr. Harris moved that the Senate recede from its amendment providing a tax on dogs, and that the committee of conference be discharged, which was agreed to, and the Secretary directed to transmit the action of the Senate forthwith to the House.

Mr. Nunnally, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House to appropriate three hundred dollars to Rev. H. C. Hornady for services rendered in procuring supplies for the destitute of Georgia.

The motion did not prevail.

Mr. Griffin, in accordance with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House to authorize the Ordinary of Talbot county to levy a tax to pay annual current expenses of said county of Talbot.

The motion to reconsider did not prevail.

Mr. Hinton, in conformity with previous notice, moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House to open the Oconee River up to Parks’ Mill.

The motion to reconsider prevailed.

On motion of Mr. Hinton the bill was read the third time and passed.

The Senate took up the message of the House on the

bill to authorize and require the payment into the city treasury of Savannah of the remnant of the fund raised under the act of the 16th day of February, 1856, for the building of a new jail for Chatham county, and to require the City Council of Savannah to apply said remnant of said fund to the repairing and enlargement of the jail of said county, to which the House proposed an amendment. On motion the amendment, as proposed by the House, was concurred in.

Mr. Wellborn offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That the House of Representatives be requested to return to the Senate the bill providing for a Congressional election, for the purpose of correcting a clerical mistake.

Mr. Adkins offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That a seat upon the floor of the Senate be tendered to Hon. John C. Norris, Hon. Thomas Gibson and Augustus Reese, during their stay in the city.

Mr. Speer offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That a seat upon the floor of the Senate be tendered to Hons. James S. Boynton and John D. Stewart, of Spalding county.

The Senate took up the bill of the House to change the line between the counties of DeKalb and Clayton.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

On motion the report of the committee was disagreed to.

Mr. Candler offered the following amendment, which was adopted in lieu of section first, to wit:

Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this act, the county line between the counties of DeKalb and Clayton be so changed as to take from DeKalb county, and include in the county of Clayton, lots of land numbers 14, 15, 16, in the 15th district of what is now DeKalb county, and in

which lots are the farms and residences of J. J. Cowan and J. J. McLamore.

On motion the bill, as amended, was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House explanatory of an act to educate indigent maimed soldiers of Georgia, and to provide means for the same, approved December 18, 1866.

Mr. Harris proposed the following as a substitute, which was adopted in lieu of the original, to wit:

A bill to be entitled an act to repeal an act to educate the indigent maimed soldiers of Georgia, approved December 15, 1866.

Be it enacted, That the act entitled an act to educate indigent maimed soldiers of Georgia, &c., be, and the same is hereby, repealed.

The substitute was then passed under the following title, to wit:

A bill to be entitled an act to repeal an act to educate the indigent maimed soldiers of Georgia, approved December 15, 1866.

The Senate took up the report of the Committee of the Whole on the bill of the House to authorize clerks of courts to amend *fi. fas.* and issue *alias* executions in certain cases.

The report of the committee was agreed to. The bill was read the third time and passed.

The following bills of the House were taken up and severally read the second time, to wit:

A bill to extend the aid of the State of Georgia to the Alabama & Chattanooga Railroad Company, (committed.)

A bill to amend the 86th section of Irwin's Code, changing the fiscal year so as to make it conform to the calendar year, (committed.)

The Senate took up the report of the Committee of the Whole on the bill of the House to incorporate the Georgia Land, Immigration and Manufacturing Company.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to change the line between the counties of Cherokee and Pickens.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to incorporate the Savannah and Tybee Telegraph Company, and for other purposes.

..... The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to incorporate the Georgia Benevolent Mutual Life Insurance Company, and for other purposes.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House granting amnesty for all crime in the counties of Quitman and Randolph, in the State of Georgia, committed prior to June, 1865.

On motion the bill was laid on the table.

..... Mr. Griffin of the 21st District, from the committee of conference appointed upon the part of the Senate, made the following report:

Mr. President:

..... The committee of conference appointed upon the part of the Senate to take into consideration the disagreement upon the part of the two Houses, so far as regards the bill of the Senate "to alter and amend an act entitled an act to organize a Criminal Court for each county of this State," and to which the House of Representatives had proposed certain amendments, have had the same under consideration, and recommend that the same do pass, with the amendments as proposed by the House of Representatives.

W. M. GRIFFIN, Chairman.

..... On motion the report was taken up.

After debate Mr. Harris moved to lay the same on the table, which motion prevailed.

The Senate took up the bill of the House to authorize Bartley J. McCants, a minor, to be made administrator *de bonis non* of the estate of Andrew McCants, &c.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House for the relief of T. J. Murphy, T. F. Grubb and others, of the county of Upson; also, for the relief of S. K. O'Neal and others, of Talbot county.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the report of the Committee of the Whole on the bill of the House to authorize the City Council of Rome to subscribe stock in the Memphis Branch Railroad upon certain conditions, and for other purposes.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to incorporate the Van's Valley Manufacturing Company.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to authorize William T. Jones and Isaac O. Bowers, minors, on certain conditions to plead and practice law in the State of Georgia.

On motion the bill was laid on the table.

The Senate took up the bill of the House to change and fix the time of holding the Superior Courts of the county of Paulding, and for other purposes.

The Judiciary Committee, to whom this bill was referred,

reported the same back with the following amendment, to wit:

“Strike out ‘second’ and insert ‘first;’ strike out ‘March and September’ and insert ‘May and November.’”

The report of the committee was agreed to. The bill, as amended, was read the third time and passed.

The Senate took up the bill of the House to require the Ordinary of Houston county to pay to the trustees of Perry Academy the sum of one thousand dollars, from the school fund of said county, for the purpose of erecting a school house on the school lot in the place of the school house destroyed by fire.

The Committee on Education, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to incorporate the Cherokee Building and Loan Association, the Forest City Mutual Loan Association, of Savannah, and the Railroad Mutual Building and Loan Association, of Savannah.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

Mr. Fain moved that when the Senate adjourns it meet again at half past two o'clock, P. M., which motion was agreed to.

The Senate took up, as the report of the Committee of the Whole, a bill of the House to secure and regulate the collection of cost by Clerks and Sheriffs in this State.

On motion the bill was laid upon the table.

The Senate took up, as the report of the Committee of the Whole, the bill of the House to repeal an act authorizing the Ordinaries of certain counties to assess a tax to pay Clerks and Sheriffs costs now due in insolvent criminal cases, so far as relates to the county of Macon.

On motion the bill was laid upon the table.

The Senate took up, as the report of the Committee of

the Whole, the bill of the House to expedite the collection of taxes due on insolvent tax *fi. fas.*

On motion the bill was laid upon the table.

The Senate took up, as the report of the Committee of the Whole, the bill of the House to incorporate the Fourth District Court Ground, of Appling county.

On motion the same was laid upon the table.

The Senate took up, as the report of the Committee of the Whole, the bill of the House to extend the time of the Tax Collector of Schley county.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the bill of the House for the relief of James W. Kemp and J. W. Hill, securities on a penal bond in Sumter Superior Court.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the bill of the House extending the time for collection of taxes in Columbia county.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, a bill of the House for the relief of J. H. Stockton, of the county of Columbia.

The report of the committee was agreed to. The bill was read the third time and passed.

The hour having arrived, the President announced the Senate adjourned until half past two o'clock, P. M.

2½ O'CLOCK, P. M.

The Senate met pursuant to adjournment and was called to order by the President.

The Senate took up the report of the Committee of the Whole on the bill of the House to authorize William G. Stephens, and others therein named, to peddle without license.

On motion the bill was laid on the table.

The Senate took up the report of the Committee of the Whole on the bill of the House to authorize suits against corporations; to perfect service thereon, and for other purposes.

On motion the bill was laid on the table.

The Senate took up the report of the Committee of the Whole on the bill of the House to amend the Homestead Act, approved October 3, 1868.

The report of the committee was agreed to. The bill was read the third time and passed.

Mr. Higbee, chairman of the Committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following acts, to wit:

An act to amend an act of October 6, 1868, entitled an act to require the Reporter of the Supreme Court to publish the decisions of the Supreme Court in pamphlet form, and to provide for the distribution of the same, and for other purposes.

Also, an act for the relief of Isaiah Williams, of Dooly county.

Also, an act to allow the citizens of Brunswick, through their City Council, to donate or sell town commons to the Macon & Brunswick Railroad and Brunswick & Albany Railroad.

Also, an act to amend the charter of the city of Atlanta, and to provide for the registry of voters therein.

Also, an act to amend an act entitled an act to alter and amend the 4813th section of the Revised Code of Georgia, providing for the monthly sessions of the City Court of Savannah; to extend the criminal jurisdiction of the City Court of Savannah; to authorize the speedy and summary trial of criminal cases in said City Court, and for other purposes, approved October 8, 1868.

Also, an act to alter and amend the second section of an act entitled an act to incorporate the town of Morgan, in the county of Calhoun, approved March 5, 1856, and for other purposes.

Also, an act to change the line between the counties of Cherokee and Pickens.

Also, an act to amend the 12th section of the act entitled an act to provide for setting apart a homestead of realty and personalty.

Also, an act to incorporate the Planters' Acid and Phosphate Manufacturing Company of Georgia, the Americus Phosphate and Acid Manufacturing Company and Reed's Phosphate Manufactory.

A resolution authorizing his Excellency the Governor to accept the surrender of the charter of "The Planters' Bank of the State of Georgia."

Also, an act to change the corporate lines of the city of Cuthbert.

Also, an act to incorporate the Southern Masonic Assurance Society

Also, an act to provide for the foreclosure of mortgages on personal property in this State, and for other purposes.

Also, an act to authorize John C. Smith and William M. Pitts, commissioners in the corporation of the town of Thomson, in the county of Columbia, in this State, to order an election for three additional commissioners of said town.

Also, an act for the relief of William B. Heptinstall, of Chattooga county

Also, an act to change the county line between the counties of Haralson and Polk, so as to include lot of land No. 341, 20th district, 3d section, in the county of Haralson.

Also, an act to change the line between the counties of Macon and Houston, so as to include the residence of Sterling Neil in the county of Houston.

Also, an act to incorporate Hormersville, in the county of Clinch, and to appoint commissioners for the same, and for other purposes therein mentioned.

Also, an act to extend the jurisdiction of Constables in the several counties in this State.

Also, an act to authorize the Atlanta & West Point Railroad Company to subscribe for stock in the Columbus & West Point Railroad Company.

E. I. HIGBEE, Chairman.

The following message was received from the House of

Representatives through Mr. Carrington, the Clerk *pro tempore*:

Mr. President

The House of Representatives has concurred in the following amendments of the Senate to the bill to raise a revenue for the political year 1869, and to appropriate money for the use of the government during said year, and to make certain special appropriations, and for other purposes therein mentioned, to wit:

The amendments to the first and second sections, and the amendment of the third and fourth line of the tenth section.

They have refused to concur in the remaining amendments of the Senate to said bill.

They have also passed the following bill, to wit:

A bill to prescribe the duty of the Treasurer as to the safe keeping of the public funds, and for other purposes.

They have also concurred in the following Senate resolution, to wit:

A resolution requesting the return of a bill bringing on a Congressional election, in order that a clerical error may be corrected.

They have also agreed to a joint resolution adopting the fifteenth article amendatory of the Constitution of the United States.

The Senate took up the message of the House returning a bill bringing on a Congressional election in order that a clerical error may be corrected.

On motion of Mr. Wellborn all of section first was stricken out after the words "Congressional Districts," and the following inserted in lieu thereof, to wit: "On the first Wednesday in May next, for members to represent the State in the 41st Congress of the United States."

On motion of Mr. Wellborn the bill, as amended, was read the third time and passed, and the Secretary was directed to transmit the same forthwith to the House of Representatives.

On motion the Senate took up the message of the House

on the Senate's amendments to the bill of the House for raising a revenue for the political year 1869, and to appropriate money for the use of the government during said year, and to make certain special appropriations, &c.

Mr. Lester moved that the Senate do adhere to all of its proposed amendments, and ask for a committee of conference, which motion was agreed to.

The Chair announced as the committee, on the part of the Senate, Messrs. Harris, Nunnally and Merrill.

The Senate took up the special order for the day, the same being the resolution of Mr. Winn proposing to ratify the fifteenth amendment to the Constitution of the United States.

Mr. Burns then moved to take up the resolution as passed by the House on the same subject in lieu of the resolution of Mr. Winn, which motion was agreed to.

After debate Mr. Burns moved to postpone the resolution indefinitely; whereupon the yeas and nays were required to be recorded, and are yeas 18, nays 17—the Chair voting yes.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Burns, Candler, Colman, Griffin 6th, Harris, Higbee, Hungerford, Jones, McArthur, McWhorter, Nunnally, Sherman, Speer, Welch, Wooten, Mr. President.

Those voting in the negative are—

Messrs. Adams, Brock, Bruton, Collier, Corbitt, Fain, Graham, Griffin 21st, Hinton, Jordan, Lester, McCutchen, Moore, Nesbitt, Smith 7th, Wellborn, Winn.

So the resolution was indefinitely postponed.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit:

Mr. President:

The Governor has approved and signed the following act, to wit:

“An act to incorporate the Atlanta Canal and Water Company.”

The Senate took up the report of the Committee of the

Whole on the bill of the House to relieve certain blind citizens of this State from any tax.

On motion the bill was laid on the table.

The Senate took up the report of the Committee of the Whole on the bill of the House to amend section 3565 of Irwin's Code, so as to change the length of time Ordinaries are to publish citations to discharge administrators.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to incorporate the Georgia Water Mills Company, of Muscogee county, Georgia, for the manufacture of cotton, paper and other merchandise, and sale of the same.

The report of the committee was agreed to. The bill was read the third time and passed.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following acts, to wit :

An act to issue bonds for county purposes for the county of Bibb.

An act to authorize the election of ten commissioners for the county of Bibb, defining their duties, and to empower the Ordinary to issue county bonds to drain the Macon reserve.

E. I. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof :

Mr. President :

The House of Representatives has adopted the following resolution, to wit :

A resolution in reference to the appointment of E. Hul-

bert, Campbell Wallace, Mark A. Cooper, John P. King and Alexander H. Stephens commissioners for the purchase of the Rome Railroad for the State of Georgia.

Mr. McArthur offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That a committee of four be appointed, whose duty it shall be to bring up the unfinished business, for which purpose they shall be allowed five days.

The Chair announced as such committee Messrs. McArthur, Speer, Wellborn and Bowers.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit:

Mr. President

The Governor has approved and signed the following act, to wit:

“An act to change the county line between the counties of Carroll and Paulding.”

Also, “an act to change the line between the counties of Bartow and Gordon.”

The Senate took up the report of the Committee of the Whole on the bill of the House to incorporate the town of Social Circle, in the county of Walton, and for other purposes therein named.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to amend an act, approved October 3, 1868, to provide for setting apart a homestead of realty and personalty.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House for the benefit of Dr. John M. C. Todd, of Chambers county, Alabama, authorizing him to erect a dam over the Chattahoochee River, in Harris county, Georgia, and for other purposes.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the message of the House on the bill to establish a system of public instruction, to which the House proposed a substitute.

On motion the Senate refused to concur in the substitute as proposed by the House.

The Senate took up the resolution of the House appointing a committee of three from the House and two from the Senate to ascertain if the labors of the several Judges of the Superior Courts of this State cannot be so distributed as to avoid the necessity of creating new circuits.

On motion the words "per diem" were stricken out, and the words "no pay" inserted in lieu thereof.

On motion the resolution, as amended, was concurred in.

The Chair announced as the committee, on the part of the Senate, Messrs. Candler and Lester.

The Senate took up and concurred in the resolution of the House "in reference to the appointment of E. Hulbert, Campbell Wallace, Mark A. Cooper, John P. King and Alexander H. Stephens commissioners for the purchase of the Rome Railroad for the State of Georgia.

The Senate took up the report of the Committee of the Whole on the bill of the House to keep in repair the public roads of Burke county, and to levy an annual tax for that purpose.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to alter and amend section 2518th of Irwin's Code.

The report of the committee was agreed to. The bill was read the third time and passed.

Mr. Smith of the 36th District offered the following resolution, to wit:

Resolved, That Senators Wooten, Hinton and Merrill be appointed as a Senate committee, to co-operate with such committee as the House may appoint, to inquire into, and report at the next meeting of the General Assembly, what changes are necessary to be made in the Penal Code of this State for the better protection of person and property.

Mr. Winn moved to amend by adding the following proviso, to wit:

“Provided, That no per diem be allowed.”

The question was put upon the amendment, as proposed by Mr. Winn, which was not agreed to.

The question was then put upon the adoption of the resolution, and the resolution was adopted.

On motion the Senate adjourned until half past seven o'clock, P. M.

—
7 $\frac{1}{2}$ O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The Senate took up the report of the Committee of the Whole on the bill of the House to determine land lines in this State, and to define the duties of County Surveyors in running the same.

On motion the bill was laid on the table.

The Senate took up the report of the Committee of the Whole on the bill of the House to incorporate the town of Drayton, in the county of Dooly.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to change the county line between Bartow and Polk.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to authorize the Tax Collector of Murray county to receive jury certificates in payment of county taxes.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to repeal the third section of an act entitled an act to define the liability of the railroad companies of this State for injuries to persons and property; to prescribe in what counties they may be sued, and how served with process, approved March 5, 1856.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to amend an act to regulate licensing physicians and druggists in this State.

On motion the bill was laid on the table.

The Senate took up the report of the Committee of the Whole on the bill of the House to prescribe the time within which Justices of the Peace, and Notaries Public and *ex officio* Justices of the Peace, in the county of Chatham, shall forward to the clerks of the appropriate courts warrants and other papers in all criminal cases, when the accused shall have been committed to jail, and to provide a penalty for violation of this act.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the report of the Committee of the Whole on the bill of the House to provide more effectually for the collection of poll tax.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to regulate ferries and ferry-men in the State of Georgia.

On motion the bill was laid on the table.

The Senate took up the report of the Committee of the Whole on the bill of the House to authorize the admission to plead and practice law of William G. Irwin, an unnaturalized citizen.

On motion the bill was laid on the table.

The Senate took up the report of the Committee of the Whole on the bill of the House for the relief of the heirs of Hiram H. Hussey, late of Meriwether county.

On motion the bill was laid on the table.

The Senate took up the report of the Committee of the Whole on the bill of the House to abolish certain offices connected with the Penitentiary.

On motion the bill was laid on the table.

The Senate took up the report of the Committee of the

Whole on the bill of the House to amend section two of an act entitled an act for the relief of debtors, and to authorize the adjustment of debts upon the principles of equity.

On motion the bill was laid on the table.

The Senate took up the report of the Committee of the Whole on the bill of the House for the relief of J. Rosenfield & Brother.

On motion the bill was referred to the Finance Committee.

The Senate took up the report of the Committee of the Whole on the bill of the House to change the times of holding the Superior Courts of Morgan county

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to authorize Ledford Umphries, a maimed soldier, to draw pictures without tax.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the committee on the bill of the House to amend an act to be entitled an act to charter the Georgia Fire and Life Insurance Company.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to prevent fraud in laying off the homestead and exemption of personal property under the new Constitution.

Mr. Merrill proposed the following amendment, which was lost, to wit:

“Provided, That nothing in this act contained shall be so construed as to deprive any family of a debtor from receiving the benefits of homesteads and exemption provided for by the Constitution of this State.

The question was then put upon the passage of the bill, which was lost.

The Senate took up the bill of the House to repeal an act entitled an act to extend the corporate limits of the

city of Marietta, in the county of Cobb, approved February 1854.

The Committee on Education, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the bill of the House to allow John D. Wilkes, of the county of Macon, guardian of A. C. Felton, of Macon county, to settle with said ward.

The Finance Committee, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the report of the Committee of the Whole on the bill of the House to relieve D. & H. Beusse of double taxation for the year 1867

On motion the bill was laid on the table.

The Senate took up the report of the Committee of the Whole on the bill of the House to prescribe the duty of the State Treasurer as to the safe-keeping of the public funds, and for other purposes.

On motion the bill was laid on the table.

The Senate took up the report of the Committee of the Whole on the bill of the House for the relief of Jarvis R. Maxwell, of the county of Bartow.

On motion the bill was laid upon the table.

On motion the Senate then adjourned until to-morrow morning at half past nine o'clock.

SENATE CHAMBER, ATLANTA, GA.,

Thursday, March 18, 1869.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the Rev. Mr. Smith, Honorable Senator from the 7th District.

The roll was called and the Journal of the previous day was read and approved.

Mr. Hinton, in conformity with previous notice, moved

to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House to prevent fraud in laying off homestead, and exemption of personal property under the new Constitution.

The motion to reconsider prevailed.

Mr. Merrill proposed the following amendment, which was lost, to wit:

“*Provided*, That nothing in this act contained shall be so construed as to require the debtor to make a return of the annual productions derived from the homestead, or to render the same liable to levy and sale.”

On motion of Mr. Hinton the bill was then read the third time and passed.

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tem.*:

Mr. President:

The House of Representatives accepts the proposition of the Senate on the disagreement of the two Houses on the general appropriation bill for a committee of conference, and have appointed as such committee, on the part of the House, Messrs. McCullough, Hudson, Bethune, Butt and Tumlin.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

A resolution that the session of the General Assembly be extended to 12 o'clock to-night, and that the General Assembly do adjourn to-night at 12 o'clock.

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tem.*:

Mr. President:

The House of Representatives has concurred in the amendments of the Senate to the following bills of the House, to wit:

A bill to change the line between the counties of DeKalb and Clayton.

Also, a bill to provide for the removal of the seat of justice of Camden county, Georgia, from the town of Jefferson to the town of St. Marys, or Satilla Mills, in said county.

Also, a bill to appropriate money for the payment of the amounts now due and unpaid to the schools and colleges of this State for the education of indigent maimed soldiers.

Also, a bill to be entitled an act to incorporate the town of Montezuma, in the county of Macon.

Also, a bill to bring on an election for Congressmen in the State of Georgia.

Also, a bill to be entitled an act to repeal sections 1456, 1457, 1458, 1459, 1460, 1461 of Irwin's Revised Code, so far as relates to the counties of Monroe, Morgan, Macon and Houston, and for other purposes.

Also, a bill to be entitled an act to regulate the agencies of insurance companies not incorporated by the State of Georgia.

The following message was received from his Excellency the Governor through Mr. Davis, his Secretary, to wit:

Mr. President:

The Governor has approved and signed the following act, to wit:

"An act to loan the credit of the State to the Dalton & Morgantown Railroad Company, and for other purposes."

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tempore*:

Mr. President:

The House of Representatives has concurred in the amendments of the Senate to the following bills, to wit:

A bill to be entitled an act to carry into effect section 8th, article 2d, of the Constitution of this State.

A bill to be entitled an act for the encouragement of the agricultural interests of this State by giving planters good credit, and giving proper security to persons who extend such credit, and for other purposes.

Also, a bill to be entitled an act to incorporate the Muscogee Manufacturing Company, of Columbus, Georgia.

Also, a bill to be entitled an act to add and to amend the 4779th section of the Revised Code of Georgia, in relation to the Police Court of the city of Savannah; to increase and extend the jurisdiction of said Police Court and to authorize said Police Court to take cognizance of certain criminal offenses, and inflict the proper punishment therefor.

Also, a bill to be entitled an act to amend an act entitled an act to amend the several acts of force in relation to the incorporation of the town of West Point, in Troup county and to incorporate the same under the name of the city of West Point, and to provide for the election of a Mayor and four Aldermen, and such other officers as may be required and confer upon them specified powers, and for other purposes therein mentioned.

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tempore*:

Mr. President:

The House of Representatives has concurred in the amendments of the Senate to the following bills of the House, to wit:

A bill to be entitled an act to authorize the town commissioners of the town of Spring Place, Murray county, to issue license for the retail of ardent spirits, and for other purposes.

Also, a bill to be entitled an act to authorize Battie H Mitchell and J. W. Davis to peddle in Coweta county without license.

Also, a bill to be entitled an act to amend the several acts incorporating the town of Cartersville.

Mr. Speer moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House to repeal an act authorizing the Ordinaries of certain counties to assess a tax to pay Clerks and

Sheriff's costs now due in insolvent criminal cases, so far as relates to the county of Macon.

The motion to reconsider prevailed.

On motion of Mr. Speer the bill was read the third time and passed.

Mr. Smith of the 7th District moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the resolution of the House, as substituted in lieu of the resolution of Mr. Winn, ratifying the fifteenth amendment to the Constitution of the United States.

The Chair decided that inasmuch as the subject-matter had been previously disposed of, it would not now be competent to entertain the motion for reconsideration.

Mr. Hinton appealed from the decision of the Chair; and upon the question "shall the decision of the Chair stand as the decision of the Senate?" the yeas and nays were required to be recorded, and are yeas 14, nays 16.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Brock, Burns, Colman, Dickey, Griffin 6th, Harris, Higbee, McWhorter, Sherman, Smith 36th, Speer, Welch.

Those voting in the negative are—

Messrs. Anderson, Bruton, Candler, Collier, Fain, Griffin 21st, Hinton, Jordan, Lester, McArthur, McCutchen, Moore, Nesbitt, Nunnally, Smith 7th, Winn.

So the decision of the Chair was not sustained.

The question was then put upon the motion to reconsider; whereupon the yeas and nays were required to be recorded, and are yeas 17, nays 14.

Those voting in the affirmative are—

Messrs. Anderson, Bruton, Candler, Collier, Fain, Griffin 21st, Hinton, Jordan, Lester, Merrill, McArthur, McCutchen, Moore, Nesbitt, Smith 7th, Wellborn, Winn.

Those voting in the negative are—

Messrs. Adkins, Bowers, Burns, Colman, Dickey, Griffin 6th, Harris, Higbee, McWhorter, Nunnally, Sherman, Smith 36th, Speer, Welch.

So the motion to reconsider prevailed.

Mr. Colman then moved to lay the resolution on the

table; whereupon the yeas and nays were required to be recorded, and are yeas 9, nays 18.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Colman, Griffin 6th, Harris, McWhorter, Sherman, Speer, Welch.

Those voting in the negative are—

Messrs. Anderson, Bruton, Candler, Collier, Fain, Griffin 21st, Hinton, Jordan, Lester, Merrill, McArthur, McCutchen, Moore, Nesbitt, Nunnally, Smith 7th, Wellborn, Winn.

So the motion to lay the resolution on the table did not prevail.

After debate the question was put upon the adoption of the resolution, which is as follows:

“WHEREAS, The fortieth Congress of the United States, by a joint resolution concurred in by two-thirds of both branches, has proposed to the Legislatures of the several States an amendment to the Constitution of the United States as follows:

“ARTICLE XV—Section 1.—The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, or color, or previous condition of servitude.

“SEC. 2. The Congress shall have power to enforce this article by appropriate legislation;

“*Be it therefore resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the Legislature of the State of Georgia does hereby ratify the amendment proposed by Congress, as article 15, as part of the Constitution of the United States.*”

Whereupon the yeas and nays were required to be recorded, and are yeas 13, nays 16.

Those voting in the affirmative are—

Messrs. Adkins, Bruton, Collier, Griffin 21st, Hungerford, Jordan, Merrill, McCutchen, Nesbitt, Smith 7th, Wellborn, Welch, Winn.

Those voting in the negative are—

Messrs. Anderson, Bowers, Burns, Candler, Colman, Fain, Griffin 6th, Harris, Hinton, Lester, McArthur, Moore, Nunnally, Sherman, Smith 36th, Speer.

So the resolution was lost.

The Senate took up the message of the House on the resolution that this session of the General Assembly be extended to 12 o'clock to-night, and adjourn at that time.

On motion the resolution was concurred in, and the Secretary directed to transmit the action of the Senate forthwith to the House of Representatives.

Mr. Bruton offered the following resolution, to wit:

Resolved, That the Governor be, and he is hereby, authorized to call on the Secretary of War for troops to aid the Sheriff of any county in making arrests, where the said Sheriff makes affidavit that he is unable to do so without the aid of troops.

After debate the question was put upon the adoption of the resolution; whereupon the yeas and nays were required to be recorded, and are yeas 12, nays 16.

Those voting in the affirmative are—

Messrs. Adkins, Bowers, Brock, Bruton, Colman, Dickey, Griffin 6th, Harris, Higbee, Merrill, Sherman, Welch.

Those voting in the negative are—

Messrs. Anderson, Candler, Fain, Hinton, Hungerford, Jordan, Lester, McCutchen, Moore, Nesbitt, Nunnally, Smith 7th, Smith 36th, Speer, Wellborn, Winn.

So the resolution was lost.

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tem*.

Mr. President:

The House of Representatives has passed the following bills of the Senate, to wit:

A bill to be entitled an act to incorporate the City Bank of Albany, in the city of Albany, by a constitutional majority of yeas 100, nays 8, with an amendment, in which they ask the concurrence of the Senate.

A bill to be entitled an act to protect the buildings of mills and manufacturing establishments in this State.

Mr. Speer offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That the Secretary of the Senate be required

to furnish the names of the clerks in the engrossing and enrolling departments, and the dates on which their services actually commenced, and that the Auditing Committee be required to audit said accounts so rendered by the Secretary.

Mr. Speer offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That the clerk of the Judiciary Committee be allowed three days to assist the Secretary of the Senate in filing properly all bills lost in the Senate for future reference, which were referred to the Judiciary Committee.

Senators Bruton, Candler and Smith of the 7th District were (on request) excused from further service on the Auditing Committee.

The Chair then announced as the Committee on Auditing, Messrs. Hinton, (chairman,) Smith of the 36th District and Moore.

The Senate took up, as the report of the Committee of the Whole, the bill of the House to amend the 86th section of Irwin's Code, changing the fiscal year so as to make it conform to the calendar year.

The report of the committee was agreed to. The bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the bill of the House to extend the aid of the State of Georgia to the Alabama & Chattanooga Railroad Company.

The report of the committee was agreed to. The bill was read the third time and passed.

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tempore*:

Mr. President:

The House of Representatives has concurred in the amendments of the Senate to the following bills of the House, to wit:

A bill to be entitled an act to authorize the Ordinary of

Towns county to levy an extra tax for the purpose of building a jail.

The House refuses to concur in the amendment of the Senate to the bill of the House to be entitled an act to require the official bonds of Ordinaries to be approved by the Clerks of the Superior Courts, and respectfully request the Senate to recede therefrom.

Mr. Moore offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That the thanks of the Senate are hereby tendered to John C. Hendricks, assistant secretary, for the prompt, correct, polite and efficient manner that he has discharged the duties of his office; and also to J. G. W. Mills, journalizing clerk, for the very efficient and able manner that he has discharged the duties of his office. In taking leave we can but regret the separation from such officers, who have so assiduously and so untiringly devoted themselves in their efforts to accommodate the Senate without partiality or distinction. To these deserving officers we tender our most grateful acknowledgments.

Mr. Moore offered the following resolution, which was taken up, read and adopted, to wit

Resolved, That the thanks of the Senate are due, and are hereby tendered, to W. G. Whidby, Esq., reporter of "The Constitution," Major Lou. L. Parham, reporter of the "New Era," and Colonel J. T. Lumpkin, of the "Intelligencer," for the impartial manner with which they have reported the proceedings of this body

On motion the Senate adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment and was called to order by the President.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled

and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following acts, to wit:

An act to repeal the third section of an act entitled an act to define the liability of the railroad companies of this State for injuries to persons and property; to prescribe in what counties they may be sued, and how served with process.

Also, an act to provide more effectually for the collection of poll tax.

Also, an act to repeal an act authorizing the Ordinaries of certain counties to assess a tax to pay Clerks and Sheriffs costs now due in insolvent criminal cases, so far as relates to the county of Macon.

Also, an act to prescribe the time within which Justices of the Peace, and Notaries Public and *ex officio* Justices of the Peace, in the county of Chatham, shall forward to the clerks of the appropriate courts warrants and other papers in all criminal cases where the accused shall have been committed to jail, and to provide a penalty for violation of this act.

Also, an act to authorize the Ordinary of Towns county to levy an extra tax for the purpose of building a jail.

Also, an act to relieve Thomas A. Grace and others of double tax for 1668, and for other purposes.

Also, an act to repeal an act to educate the indigent maimed soldiers of Georgia, approved December 18, 1866.

Also, an act to change the line between the counties of DeKalb and Clayton.

Also, an act to authorize Ledford Umphries, a maimed soldier, to draw pictures without tax.

Also, an act to change the line between the counties of Clinch and Coffee, and between the counties of Oglethorpe and Wilkes.

Also, an act to bring on an election for Congressmen in the State of Georgia.

Also, an act to carry into effect section eight, article second, of the Constitution of this State.

Also, an act to add to and amend section 4779 of the Revised Code of Georgia, in relation to the Police Court of the city of Savannah; to increase and extend the jurisdiction of the said Police Court, and to authorize said Police Court to take cognizance of certain criminal offenses, and inflict the proper punishment therefor.

Also, an act to prevent fraud in laying off the homestead and exemption of personal property under the new Constitution.

Also, an act to authorize the Tax Collector of Murray county to receive jury certificates in payment of county taxes.

Also, an act to amend an act to be entitled an act to charter the Georgia Fire and Life Insurance Company.

Also, an act to incorporate the town of Drayton, in the county of Dooly.

Also, an act to change the county line between Bartow and Polk.

Also, an act to change the times of holding the Superior Courts of Morgan county.

E. I. HIGBEE, Chairman.

Mr. Smith of the 36th District offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That the thanks of the Senate are hereby tendered to A. E. Marshall, Secretary of the Senate, for the courteous and correct manner that he has discharged the duties of his office.

Mr. Speer offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That the thanks of the Senate are hereby tendered to A. J. Cameron, messenger, and Ephraim Thorn, door-keeper, for the efficiency with which they have discharged their duties, and the uniform courtesy and kindness that they have exhibited towards Senators, and we indulge in the fervent desire that they may continue through life to all mankind in like demeanor.

The following was presented, and, on motion, ordered to be spread upon the Journal:

Mr. President and Senators :

I heard your complimentary resolution in regard to the manner in which myself and the door-keeper had discharged the duties assigned us with emotions of gratitude and of pride. My associations with Senators here have been to me of the most pleasing character, and I can but feel grateful for any evidence of the fact that, in my humble capacity, I have given satisfaction to the Senate. In expressing my thanks for the kind manner in which my services have been noticed, permit me to express the hope that we may all live to re-assemble here, and again renew those pleasant relations and associations now soon to be terminated, certainly for a time, and with some possibly forever.

A. J. CAMERON, Messenger.

The Senate took up the message of the House on the bill to require the official bonds of Ordinaries to be approved by the Clerks of the Superior Courts, to which the House proposed an amendment.

Mr. Candler moved that the Senate insist on its amendment, and ask for a committee of conference, which motion was agreed to.

The Chair announced as the committee, on the part of the Senate, Messrs. Candler and Smith of the 7th District.

The Senate took up the message of the House on the bill to incorporate the Bank of Albany, in the city of Albany, to which the House proposed an amendment.

On motion the amendment, as proposed by the House, was concurred in.

Mr. Wellborn offered the following resolution, which was taken up, read and adopted, to wit :

WHEREAS, It is provided, by an act assented to 12th December, 1866, entitled an act to regulate the manner of giving in land for taxation, and the sale and redemption thereof, and for other purposes, that under certain circumstances wild and unimproved land not given in shall be advertised and sold ; and whereas, the maps required to be furnished to the several counties have not reached some of

the counties; and whereas, the duties by said acts imposed upon the Receivers of Tax Returns have not been fully complied with by all of said Receivers; and whereas, injustice would result from the sale of said lands under such circumstances:

Resolved by the General Assembly, That the Comptroller General be instructed to suspend all sales of wild lands under said act above recited until after the next meeting of this General Assembly.

Mr. Smith of the 36th District offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That a seat on this floor be tendered to Honorable U. B. Wilkinson, of Savannah.

Mr. Candler offered the following resolution, which was taken up, read and adopted, to wit:

Resolved by the Senate and House of Representatives, That the joint special committee appointed under resolution of the Senate and House of Representatives, passed January 29, 1869, charged with the duty of visiting sections of the State where disorder is reported, and report to the General Assembly what proceedings should be instituted, is hereby discharged from further duty under said resolution.

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tem.*:

Mr. President:

The House of Representatives has passed the following bill of the Senate, to wit:

A bill entitled an act to incorporate a railroad company to be called the Bainbridge & Chattahoochee Railroad Company.

The House of Representatives has also concurred in a resolution to discharge a joint special committee appointed to visit sections of the State where disorder is reported.

The House has also adopted a resolution adding an additional standing committee in each branch of the General Assembly, in which they ask the concurrence of the Senate.

Mr. Harris, from the committee of conference, in refer-

ence to the amendment of the Senate, to which the House disagrees, whereby provision is made for extra services rendered, in the sum of five hundred dollars to J. C. Hendricks, assistant secretary of the Senate, J. G. W. Mills, journalizing clerk of the Senate, and Lafayette Carrington, assistant clerk of the House, and H. F. Merrill, journalizing clerk of the House, reported that they have had the same under consideration, and recommend that the original amendment be adopted, as proposed by the Senate, in reference to the above named parties, and that the sum of two hundred and fifty dollars each to the Clerk of the House and Secretary of the Senate, to be as additional compensation for services to be rendered after the adjournment of the General Assembly. They further recommend the sum of one hundred dollars each to the chaplains of the House of Representatives. They recommend that the original amendment of the Senate, in reference to the sum of eight thousand dollars to the Deaf and Dumb Asylum, be adopted. They further recommend the striking out of the 14½ section appropriating fifteen thousand dollars for payment for artificial limbs. They further recommend the adoption of the 17th section in reference to the appropriation of seventy-five dollars each to the Secretary of the Senate and Clerk of the House for contingent expenses. They recommend the adoption of the 20th section, as passed by the House. They also recommend the adoption of the 23d section, as proposed by the Senate, as an additional section. They further recommend by striking out the words "twenty-five thousand dollars," in the 24th section, and insert "fifteen thousand dollars." They recommend the adoption of the section appropriating two thousand dollars as the salary of the Attorney General, with the amendment of the Senate. They also recommend the adoption of the additional section known as the 22d section.

JOHN HARRIS.

On motion the report was taken up and adopted, and the Secretary directed to transmit the action of the Senate forthwith to the House of Representatives.

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tem* :

Mr. President :

The House of Representatives has passed the following bills of the Senate, to wit :

A bill to be entitled an act to incorporate the Augusta & Hartwell Railroad Company.

Also, a bill to be entitled an act for the relief of Thomas W. Lee and Nancy E. Lee, and for other purposes therein named.

Also, a bill to be entitled an act to change the line between the counties of Gwinnet and DeKalb, so as to include in the county of DeKalb the residence and land of Lidwell B. Wormack, now a resident of Gwinnet county.

Also, a bill to be entitled an act to explain section 813 of Irwin's Code.

Also, a bill to be entitled an act to amend an act entitled an act to incorporate the town of Bowdon, in the county of Carroll, and for other purposes therein mentioned, and to regulate the retail of spirituous liquors in a certain distance of the poor house in Atlanta, approved December 13, 1859.

Also, a bill to be entitled an act to incorporate the Georgia and Alabama Steamboat Company.

Also, a bill to be entitled an act to dispose of money arising from fines and forfeitures in the new Criminal Courts of this State.

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tem* .:

Mr. President :

The House of Representatives has passed the following bills of the Senate, to wit :

A bill to be entitled an act to incorporate the town of Cochran, in the county of Pulaski, State of Georgia.

Also, a bill to be entitled an act to extend to the Atlanta

& West Point Railroad Company the provisions of an act, approved February 9, 1869, entitled an act to amend the charter of the Macon & Western Railroad Company, which was assented to 29th December, 1847; to allow an increase of the capital stock of said company; to fix the rate of tax to be paid by the same, and for other purposes.

Also, concurred in the Senate amendments to the following bill of the House, to wit:

A bill to be entitled an act to legalize an election held for Justice of the Peace in the 451st district G. M., of Ware county, on the 31st day of October, 1868, and for other purposes.

The House has agreed to and adopted the report of the committee of conference on the general appropriation bill.

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tem.* :

Mr. President

The House of Representatives has concurred in the following resolution of the Senate, to wit:

A resolution in relation to the settlement of the Treasurer of the State with the late Treasurer, John Jones.

Also, passed the following bill of the Senate, to wit:

A bill to be entitled an act to prescribe the manner of distributing money arising from fines and forfeitures.

The House has also adopted a resolution discharging certain committees, in which they ask the concurrence of the Senate.

The Senate took up and concurred in the resolution of the House requesting his Excellency the Governor not to permit the use of the Senate Chamber, the Hall of the House of Representatives, the caucus or committee rooms for political assemblages, or for any other kind of assemblage, unless it be one in which the whole people of the State are represented.

The Senate took up the resolution of the House authorizing the Governor to draw his warrant upon the Treasurer

to pay for copies of the general laws passed at the present session.

On motion the resolution was laid on the table.

The Senate took up the resolution of the House requesting the State Librarian to discharge the employee in his office.

On motion the resolution was concurred in.

The Senate took up the resolution of the House appointing a committee of five from the House and three from the Senate to take into consideration the subject of public education.

On motion the resolution was laid on the table.

The Senate took up and concurred in the resolution of the House requesting the Governor to discharge certain employees.

The Senate took up and concurred in the resolution of the House appointing the Honorable Samuel McComb, of Baldwin county, to take charge of the public property at Milledgeville.

The Senate took up the resolution explanatory of an act of the General Assembly, passed in 1869, lending State aid to the Bainbridge, Cuthbert & Columbus Railroad, and defining more particularly when said railroad company may commence work, and at what time the Governor may endorse the bonds of said railroad.

On motion the resolution was laid on the table.

Mr. Candler offered the following resolution, to wit:

Resolved, That there being no appropriation by law to pay the clerk of a special committee to visit certain counties in the State, or authority for the clerk, that the Auditing Committee be directed to audit no such account.

Mr. Smith of the 36th District offered the following as a substitute for the resolution of Mr. Candler, to wit:

Resolved, That the Auditing Committee be hereby authorized to audit Mr. Moore's account for one hundred dollars for services as clerk.

The question was put upon the substitute, as offered by Mr. Smith of the 36th District, which was adopted.

The Senate took up the message of the House on the

resolution in reference to the veto message of his Excellency the Governor relating to an appropriation of five thousand dollars to pay Samuel Bard, State Printer.

On motion the resolution was laid on the table.

The Senate took up the message of the House on the veto of his Excellency the Governor on the bill of the House to amend an act to incorporate the town of Jonesboro', in the county of Clayton, and an act amendatory thereof.

On motion the bill was laid on the table.

The Senate took up the message of the House on the veto of his Excellency the Governor on the bill of the House to create a board of commissioners of roads and revenue in the several counties in this State.

Mr. Hinton moved that the bill do pass over the veto of his Excellency; and upon the question "shall this bill now pass—the veto of his Excellency the Governor to the contrary notwithstanding—a constitutional majority of two-thirds being necessary to pass the same," the yeas and nays were required to be recorded, and are yeas 14, nays 13.

Those voting in the affirmative are—

Messrs. Anderson, Burns, Candler, Fain, Hinton, Jordan, Lester, McCutchen, Moore, Nesbitt, Nunnally, Smith 7th, Wellborn, Winn.

Those voting in the negative are—

Messrs. Adkins, Bowers, Brock, Colman, Dickey, Griffin 6th, Harris, Higbee, Jones, Sherman, Smith 36th, Speer, Welch.

So the veto of his Excellency was sustained.

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tem.*:

Mr. President:

The House of Representatives has adopted a resolution prescribing the mode of drawing the salaries of the Secretary of the Senate and Clerk of the House of Representatives, in which they ask the concurrence of the Senate.

The Senate took up from the table the resolution in-

structing N. L. Angier, Treasurer of the State of Georgia, to place the sum of three hundred and fifty-six dollars and forty-two cents, interest on the daily balances of the public funds, to the credit of the State.

On motion the resolution was adopted, and the Secretary directed to transmit the same forthwith to the House of Representatives.

The Senate took up the unfinished business of Tuesday, the same being the resolution, as offered by Mr. Lester, defining more clearly the duties of Superintendent of Public Works, and giving further protection to the State in lending aid to railroads.

Mr. Bruton proposed the following amendment, which was accepted, to wit:

"Provided, That nothing herein contained shall be so construed as to allow the employment of clerical force."

The question was then put upon the adoption of the resolution; whereupon the yeas and nays were required to be recorded, and are yeas 19, nays 5.

Those voting in the affirmative are—

Messrs. Anderson, Bowers, Brock, Colman, Fain, Griffin 6th, Griffin 21st, Harris, Jones, Lester, McCutchen, Nesbitt, Nunnally, Smith 7th, Smith 36th, Speer, Wellborn, Welch, Winn.

Those voting in the negative are—

Messrs. Adkins, Burns, Candler, Jordan, Merrill.

So the resolution was adopted.

On motion the Secretary was directed to transmit the action of the Senate on the foregoing resolution forthwith to the House of Representatives.

On motion of Mr. Nunnally the Senate took up from the table the resolution of the House authorizing the Governor to draw his warrant upon the Treasurer to pay for copies of the general laws passed at the present session.

On motion the resolution was concurred in.

Senators Lester, Hinton and Nesbitt were granted leave of absence for the balance of the session.

The Senate took up and concurred in the resolution of the House prescribing the mode of drawing the salaries of

the Secretary of the Senate and Clerk of the House of Representatives.

Mr. Hinton offered the following resolution, which was taken up, read and adopted, to wit:

WHEREAS, A resolution has this day passed the Senate authorizing the Auditing Committee to audit the accounts of the several clerks of the Senate upon the certificate of the Secretary; and whereas, the Secretary of the Senate has furnished a list of the clerks, together with the date on which their actual services began; and whereas, the accounts of the several clerks have been audited in terms of the aforesaid resolution; therefore be it

Resolved, That the list of clerks, together with the date on which each began actual service, furnished the Auditing Committee, certified to by the Secretary, be spread upon the Journal of the Senate.

The Secretary of the Senate, in conformity with the above resolution, submitted the following statement:

The following are the clerks appointed by virtue of the resolution of the Senate, with date of commencement of service:

Knight, January 13; Merrill, January 13; G. W. Speer, January 13; Erwin, January 13; Wooten, January 15; Hinton, January 28; Holcombe, January 27; V. Spalding, January 15; Dotey, January 20; McWhorter, January 18; Johnson, January 13; Johnson, January 15; Dickey, January 13; R. A. Crawford, January 13; Black, January 13; Pritchett, January 28; Moore, January 13; J. Harris, January 13; Miller, February 13.

The following are the constitutional clerks:

J. C. Hendricks, J. G. W. Mills, J. J. Newton, Gresham, Bishop, L. C. Jones.

A. E. MARSHALL, Secretary.

The Senate took up the resolution of the House adding an additional standing committee in each branch of the General Assembly.

On motion the resolution was laid on the table.

On motion the Senate adjourned until half past seven o'clock, P. M.

— 7½ O'CLOCK, P. M.

The Senate met pursuant to adjournment and was called to order by the President.

Mr. McArthur offered the following resolution, which was taken up, read and adopted, to wit:

“Resolved, That the thanks of the Senate are due, and are hereby tendered, to the Honorable Benjamin Conley, President of the Senate, for the faithful, impartial and dignified manner with which he has presided over the deliberations of this body; and the same are due, and hereby tendered, to the Honorable C. B. Wooten, President pro tempore of the Senate.”

Mr. Nunnally presented the following statement, which, on motion, was ordered to be spread upon the Journal, to wit:

The undersigned Senators having ascertained that the Senators voting against the bill to extend the aid of the State to the Brunswick & Albany Railroad Company were preparing a protest to spread upon the Journal of the Senate, which is intended to put upon record their arguments against the bill, feeling that it is just and fair, in the event the Senate allows the argument of the opponents of the bill to go upon the Journal, that the reasons in favor of its passage should accompany them, beg leave to submit the following statement, and respectfully ask that it be spread on the Journal with the statement on the other side:

Before entering into any reply to the arguments on the other side in opposition to the bill, the undersigned feel that it is proper to refer to the nature of the contest that has grown up over the passage of this bill.

For a number of years past the Central Railroad and Banking Company and the Southwestern Railroad, owned partly by the Central and worked in connection with it, have held the complete monopoly of the carrying business of Southwestern Georgia, and have exacted of the people of that section the most unreasonable and ruinous

freight, which they have been compelled to pay because there was no competing line and no resisting the demands of those monopolies. These powerful companies, at an early period, obtained charters of the most liberal character, under which they have been able to charge and collect the enormous freights above mentioned. Not only so, but the Central Railroad obtained in its charter an exemption from all taxation exceeding one-half of one per cent. upon its net incomes. The result is, in the present impoverished condition of the country, while every citizen pays four dollars on every \$1,000 worth of property, and probably as much county tax as State tax, to say nothing of city tax, which, taken together, make from twelve to fifteen dollars on the \$1,000 worth of a large part of the property of the State, which may not pay one dollar of net income, this overshadowing corporation is exempt from all tax except the one-half of one per cent. upon its net profits. Not content with this vast advantage over the citizen, which is most unreasonable and unjust, these great corporations object to any act for the development of the resources of the State which can by implication be construed as antagonistic to their interest. No matter how many counties are to be benefitted, or how large a section is to be developed by the building of a new road, if it cuts off a dollar of the vast incomes of these monopolies, the cry is at once raised with vehemence against it.

They not only pay heavy dividends to stockholders, but keep a large reserved fund, collected by exorbitant freights from the planters, amply sufficient to employ the ablest attorneys in the State to besiege the Legislature with the most adroit lobbyists to defeat and crush such rising interests as may threaten to diminish their profits, or interfere with their absolute government over the sections controlled by them.

An opportunity is now offered to deliver the planters of Southwestern Georgia from the galling yoke of these monopolies by opening a new competing line of road, which will compel them to reduce their freights to a reasonable rate or lose them. Against this measure every influence

is brought to bear that ingenuity can devise, or money, by outside influences, control. The true and only contest is between the development of the large and interesting section of the State between Brunswick and Albany, and the deliverance of the people of Southwestern Georgia from the iron grasp of a monopoly on the one hand, and the interest of that great corporation, which sets up to control the State and dictate to her government, on the other. The interest of the people is on the one side—the interest of the monopoly on the other. Which should control? The General Assembly has decided in favor of the people, and this is the cause of the storm which is raised by those who are about to lose part of their unjust incomes.

The harbor of Brunswick is admitted to be one of the best on the Atlantic Coast—vastly superior to any south of Norfolk, Virginia. All that is necessary to build up a flourishing city there, which will add many millions to the wealth of Georgia, is to connect it by railroad with the center of the State, as is now being done by the Macon & Brunswick Road, and with Southwestern Georgia, as is contemplated by the bill which has passed the two houses and is now before the Governor for his signature.

The section of country between Brunswick and Albany is one of the most interesting sections of the State, for which development by railroad has not been provided. The opponents of this bill set down the lands in the counties, which will be traversed by the road, as worth at present valuation about \$3,000,000. It cannot be doubted that lands now worth one dollar per acre in these counties will be increased by the construction of the road to at least five dollars per acre, and lands of greater or less value in like proportion. This would cause the lands on the route, now worth \$3,000,000, to increase in value to \$15,000,000, making a development worth to the State \$12,000,000 in the single item of increased value of lands. It is known to all that Brunswick is the chief shipping point for lumber on account of the depth of the channel, allowing ships of the heaviest burden to enter there. The section penetrated by the proposed road contains one of the finest pine

forests on the continent, and will open a way for the exportation of millions of dollars' worth of lumber, which will add greatly to the wealth of the State.

But this is not all. It is now seen by sagacious men, that the Southern Pacific Railroad will soon be put under way, and will, in a few years, be built. Its outlet and eastern terminus must be at some Atlantic port on the Southern coast. As it will pour much of the trade of the Indies, in addition to the Western trade and travel of this continent, into the port where it terminates, it will be necessary to select a harbor which will meet the emergency.

The largest ships can enter the port of Brunswick, and the harbor is ample for the accommodation of the navies of the world. Besides, Brunswick has in its favor the saving of several hundred miles in distance over any other suitable harbor. It is almost certain, therefore, that this will be the selected port for the eastern terminus of the Southern Pacific Railroad. What will be the result? The road will pour millions of dollars of freights, and many thousands of passengers, into the lap of Georgia every year, and will soon turn the tide of emigration from Europe to the West, especially in the winter season, through this State, which will cause large numbers to settle upon our soil, who would otherwise have no knowledge of its fertility and value.

But this is not all: the State owns about one-fourth of the capital stock of the Atlantic & Gulf Railroad Company. The proposed line, when built, will intersect that road about ninety miles from Savannah, and the vast amount of travel and freight which it will bring from the West, and from Southwestern Georgia, going to Savannah over that ninety miles, will probably exceed, by large odds, all the freight and travel which now goes to Savannah from all parts of the road between the ninety-mile station and the present terminus of that road in Decatur county. In other words, the Brunswick & Albany Road will be, by all odds, the most important feeder of the Atlantic & Gulf Road, and thus contribute largely to enhance the value of the State's stock in that road.

But suppose it was not so, and the State's stock in that road were greatly damaged or destroyed by the construction of this—how would the account stand? As already shown, the development will probably be worth \$12,000,000 to the State by the construction of the new road, while her whole stock in the Atlantic & Gulf Road is only about one million.

It may be said, however, that the stock of private stockholders will be injured by the construction of this road. Not so. It will be increased in value. But admit it for the argument, and the reply is, that most of the private stockholders live along the line of the road, and own real estate, which has been increased in value two or three times as much as the amount of their stock invested in the road. And as this benefit came to them by the aid of the State in the construction of their road, it comes with a very bad grace from them to object to the extension of State aid to other sections, because it may possibly to some extent diminish their profits.

The State is looked to by her people of all sections as a fostering father, equally bound to do justice to all, and to build up no section to the destruction of others. If she gives aid to the people of one section, she is equally bound to do as much for those of another. She has, by her aid, enabled the people of Southern Georgia to build a railroad which is of incalculable value to them and their section, and which has increased the value of their property many times as much as the whole capital stock of the road. The people between Brunswick and Albany now point to this, and say we make no objection to the aid given our sister section. We are glad to see the increase of the value of their property, the increase in population, the establishment of schools, the higher standard of intelligence, the increased facilities and conveniences enjoyed by them. But we have been in darkness without development long enough, and we now ask the common parent to aid us as you were aided—not by taking stock in our road, but by a simple loan of her credit, which will, without costing her one cent, increase the value of our taxable pro-

perty more than five-fold. How selfish, unjust and unreasonable is the objection made by the people of the section that has been built up by State aid, when they object lest this much needed boon to the neglected section may diminish the profits which they might make by keeping their neighboring section cut off from all the benefits which they themselves have received. The objection to State aid comes with so bad a grace from no other section as it does from that section which has received it most liberally, and been built up by it. The selfishness which such opposition exhibits challenges disgust rather than sympathy. Aid has been voted to the sections between Savannah and Thomasville, between Macon and Brunswick, to the section penetrated by the proposed Air Line Road, to the road from North Carolina to Dalton, to the road from Bainbridge to Columbus, to the road from Albany to Thomasville, and to one or two others of less general importance. Why, then, is all this hue and cry raised against the bill to give the same justice to the section between Brunswick and the Alabama line, which not only develops that section, but relieves one-third of the State from a monopoly which for years has ground them down? How strangely does the conduct of the Georgia Railroad and Banking Company contrast with that of the Central! When aid was proposed to the Air Line Road, which is a competing route, the Georgia Road paid no attorneys to besiege the lobbies and cry fraud and corruption at every step, but the bill passed without any serious opposition from that great corporation, which is distinguished for its liberality as well as its able management. We gave State aid to build up a competing line to the Georgia Road for the good of the people. Why not do the same in case of the Central Road, when the best interest of the people demand it?

For these reasons, and many others which time will not permit us to state, we have no doubt of the justice and wisdom of granting State aid to build this important link in the great chain which is to connect the Pacific with the Atlantic, and pour the wealth of the West and of another

continent into the lap of Georgia. We have no doubt of its propriety as a measure of justice to the people of Southwestern Georgia. We have no doubt the road will be one of the best in the State, and no fear that the State will ever have to pay one dollar on the bonds endorsed. Then it is the duty of the State to grant the aid independently of any claim which the company has against the State for damages. Sound policy and wise statesmanship alike dictate this course.

But we should not ignore the claim which the company has against the State for a very large sum of money, which she is in honor bound to pay, and which she could not avoid if the claim were submitted to any intelligent court. A searching investigation was given to this claim, first by a joint committee of both Houses, and then by another committee of the Senate, both of which admitted that the claim was well founded for a large sum, without an entire agreement as to the exact amount, and both unanimously recommended the passage of the bill as the easiest solution of the difficulty.

It is said by the opponents of the measure that the 14th constitutional amendment prohibits the payment of the claim. Not so. The amendment and the repudiation ordinance of Georgia both relate to debts contracted in aid of the rebellion, and not to claims for damages done by the State to loyal citizens by the destruction or conversion of their property. This is that very case. The owners of this road, together with its President, were Northern men, and at the breaking out of the rebellion were regarded and treated by our State authorities as alien enemies. The road was taken possession of by the Governor as a military necessity, with the consent of the few Southern stockholders who controlled but a mere fraction of the stock. It was so held while Georgia had a large army on the coast, and when they were withdrawn the iron was taken up by Georgia and carried back to the interior to prevent the ingress of the enemy. At this stage it was seized by the Confederacy and distributed, and a large lot of it taken and laid down on the State Road. This was without either

the knowledge or consent of the owners of the road, who were on the other side of the military lines. How, then, can Georgia defend herself against liability for the whole damage done to the road? In contemplation of law, she took charge of it as a trespasser, and is liable for all the damage done to it till it was restored to its rightful owners, who, if they choose to waive the tort, have a right to treat her as a trustee for them, and hold her liable as such for every dollar of the damage, which the committees estimate at a very large sum.

But it is said the Constitution is violated by this act, as it grants an amount of aid larger than the amount to be raised by private stockholders. The constitutional provision is that the credit of the State shall not be granted or loaned to any company without a provision that the whole property shall be bound for the security of the State, and it also requires that an equal amount be invested by private stockholders.

The report of the committee shows that the amount of investment made by private stockholders and destroyed by the action of the State is larger than the amount of the endorsement; and the bill provides amply for a prior lien in favor of the State upon the whole road for the payment of the bonds. Again, looking to the use for which the road is built, and the vast business that it is expected to do, it will cost double the amount of the subscription to build it and pay for the necessary machine shops, rolling stock, and other necessary equipments. It is very obvious, therefore, that the bill meets every requirement of the Constitution. But suppose it did not as to amount subscribed for—who will contend that this provision of the Constitution was intended to prevent the State from liquidating a debt, or other just claim, by the endorsement of the bonds of a company? The obvious meaning of the Constitution is that the State shall not exceed the amount by her endorsement, which is raised by private stockholders, when she loans her credit for the accommodation of a company, not when she does it in settlement of a claim against her for an amount as large as that for which she endorses. In

this case she receives a valuable consideration for her credit; she does not grant or loan it. She sells it for a fair, valuable and adequate consideration. And in so doing she no more violates, nor in the least degree infringes, any provision of the Constitution, than she does when she issues a bond in payment of any of her just debts.

It has been further objected that the endorsement is for \$15,000 per mile in gold. It is true, the bonds she endorses call for gold. But they are six per cent. bonds, and will not probably command par in the market in greenbacks on account of the low rate of interest. At present rates of premium for gold in the market, they are not quite equivalent to eight per cent. bonds payable in currency; and it is very certain that Georgia eight per cent. bonds, payable in currency, would not command par in the market. Then this objection, like all the rest, amounts to nothing. The object in making them gold bonds, at a low rate of interest, was that the company expect to negotiate them, or part of them, in foreign markets where gold is the currency, and it was thought best on that account to make a gold bond at a low rate of interest.

It is objected that the road, when built, would not sell for an amount as large as that called for by the bonds endorsed by the State. Before an intelligent Senate and an intelligent people, we deem it unnecessary to dignify this protest with the importance of an argument, and treat it with a serious reply. It is well known to every man, who has any knowledge of the value of railroad property, that no road in the State can be purchased or built for any such amount. The State takes a lien upon the road prior to all others for the payment of the bonds, and is amply protected beyond all possible contingency.

Again, it is alleged that the company was paid for the iron taken from the road, while the State was responsible for it—that said payment was made by the Confederate Government in Confederate treasury notes. The Confederacy may have given its worthless notes to the persons who assumed to control the road for part of the iron taken up, but it was in proof before the committee, who inves-

tigated the claim, that this receipt was wholly unauthorized by the stockholders who lived North and owned the road, and were never even consulted in the matter. And it was in proof further, that they never have received any portion of the proceeds of the sale. They were driven away from their property for their adhesion and loyalty to the government, and it was taken and destroyed, and they have never received one dollar of compensation for it.

It is alleged by the agents of the monopolies above referred to that this road has already received State aid. After a careful examination of the question, the undersigned find this allegation rests on no solid foundation, and is not true in fact.

The company had control, by charter, of both the route now occupied by the Atlantic & Gulf Road and the route to Albany. When the Atlantic & Gulf Company sought to build, this company yielded its chartered privileges and threw no obstacle in the way, with the distinct understanding that they were to adopt the line to Albany as their route. The Atlantic & Gulf Company received the aid of the State by a direct subscription to their stock, while the Brunswick & Albany Company have received no aid whatever, unless it may be the aid given by the State during the war to destroy their road as far as built from end to end, and appropriate a large part of their iron to her own use, without even the offer of compensation or the shadow of remuneration.

Despising all false clamors about corrupt influences in the passage of this bill, which have been circulated by designing men to raise a popular clamor in favor of their cherished plan of fostering monopoly, and which they have signally failed to establish by even the semblance of proof, when a full and fair opportunity was afforded them, before an honest, intelligent committee, raised in the other house for that purpose, we give our cordial sanction to this measure as one demanded by right, justice and the best interest of the State, which not only secures a most important development of her resources, but relieves her from a liability

for a very large claim, the payment of which she could not in justice or common honesty resist.

A. D. NUNNALLY,

E. I. HIGBEE,

(Claims not fully inquired into.)

W. C. SMITH,

F. O. WELCH,

JOSEPH ADKINS,

JOSIAH SHERMAN,

MCW. HUNGERFORD,

JOHN B. DICKEY, 41st District,

W. B. JONES, 13th District,

N. CORBITT, 5th District,

THOMAS J. SPEER, 22d District,

W. F. JORDAN, 28th District,

W. F. BOWERS, 31st District,

JAMES H. MCWHORTER, 30th District,

JOSHUA GRIFFIN, 6th District,

J. C. FAIN, 43d District,

WALTER T. MCARTHUR, 15th District,

J. M. COLMAN, 4th District,

W. BROCK, 38th District,

B. R. MCCUTCHEN, 44th District.

C. J. Wellborn, chairman of the special Senate committee, signs the foregoing with the following explanation: He expresses no opinion as to the precise amount of the claim of the company against the State, except as to seventy-five thousand dollars, and would have supported a bill granting the aid of the State had the company had no claim for damages against the State, for the reason that the State is deeply interested in the development of the port of Brunswick.

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tempore*:

Mr. President:

The House of Representatives has adopted a resolution, which I am instructed to transmit forthwith to the Senate, to wit:

A resolution appointing a committee, to join such committee as the Senate may appoint, to wait upon his Excellency the Governor and inform him that both branches of the General Assembly are now ready to adjourn *si se die*, &c., and have appointed as such committee, on the part of the House, Messrs. Hudson, Kelley, Cunningham, Gullatt and Parke of Greene.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled, and ready for the signatures of the President of the Senate and Speaker of the House of Representatives, the following acts and resolutions :

“An act to change the line between the counties of Gwinnet and DeKalb, so as to include within the county of DeKalb the residence and land of Lidwell B. Wormack, now a resident of Gwinnet county.”

Also, “an act to dispose of money arising from fines and forfeitures in the new Criminal Courts of this State.”

Also, an act for the relief of Thomas W Lee and Nancy E. Lee, and for other purposes therein named.

Also, an act to prescribe the manner of distributing money arising from fines and forfeitures.

Also, an act to explain section 813 of Irwin's Code.

Also, an act to extend to the Atlanta & West Point Railroad Company the provisions of an act, approved February 9, 1869, entitled an act to amend the charter of the Macon & Western Railroad Company, which was assented to 29th December, 1847; to allow an increase of the capital stock of said company; to fix the rate of tax to be paid by the same, and for other purposes.

Also, an act to incorporate the town of Cochran, in the county of Pulaski, State of Georgia.

Also, an act to amend an act entitled an act to incorporate the town of Bowdon, in the county of Carroll, and for other purposes therein mentioned, and to regulate the re-

tail of spirituous liquors in a certain distance of the poor house in Atlanta, approved December 13, 1859.

Also, a resolution to discharge a joint special committee appointed to visit sections of the State where disorders are reported.

Also, an act to incorporate the City Bank of Albany, in the city of Albany.

Also, an act to incorporate a railroad company to be called "the Bainbridge & Chattahoochee Railroad Company."

Also, an act to encourage and protect the building of mills and manufacturing establishments in this State.

Also, an act to incorporate the Georgia & Alabama Steamboat Company.

Also, an act to incorporate "the Augusta & Hartwell Railroad Company."

Also, a resolution in relation to the settlement of the Treasurer of the State with the late Treasurer, John Jones.

Also, a joint resolution for the relief of William Johnson & Son and George J. Lewis, of the county of Upson.

E. I. HIGBEE, Chairman.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report :

Mr. President :

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following acts, to wit:

- An act to establish the fees of the Solicitor General of the Eastern Circuit, and of the Clerk, Sheriff and bailiffs of the City Court of Savannah, for their services and attendance on the monthly sessions of said City Court of Savannah, and to provide for the payment of the same, so far as regards insolvent persons charged with crime, and tried before said court at said monthly sessions, and for other purposes.

Also, an act to incorporate the Albany & Columbus Railroad, and granting certain privileges to the same.

Also, an act to legalize all the official acts of Joseph T. Harrison, late deputy clerk of the Superior Court of Jackson county.

Also, an act to repeal an act entitled an act to change the line between the counties of Crawford and Upson.

Also, an act to incorporate the town of Thomaston, in the county of Upson; to appoint commissioners for the same, and for other purposes.

Also, an act to authorize improvements to be made on the reserve at the Indian Spring, in the county of Butts, and to protect the same from trespass, and for other purposes therein mentioned.

Also, an act to repeal an act changing the line between the counties of Irwin and Berrien, approved December 17, 1859.

Also, an act to amend an act entitled an act to incorporate the town of Forrestville, in the county of Floyd, and the State of Georgia, and to appoint commissioners for the same, and for other purposes, and to extend the corporate limits of said town.

Also, an act to allow T. B. Thompson to peddle without license.

Also, an act to amend the charter of the town of Sandersville.

Also, an act to change the line between the counties of Spalding and Henry, so as to add lot number 20, in the 3d district of Henry county, to Spalding.

Also, an act to authorize clerks of courts to amend *fi. fas.* and issue *alias* executions in certain cases.

Also, an act for the relief of William B. Heptinstall, of the county of Chattooga.

Also, an act to change the line between the counties of Meriwether and Coweta.

Also, an act to change the line between the counties of Randolph and Clay.

Also, an act to compel the Ordinary of Tatnall county to keep his office in Reidsville, Tatnall county.

Also, an act to incorporate the Athens Mutual Loan Association.

Also, an act to extend the time of the Tax Collector of Schley county.

Also, an act for the relief of James W Kemp and James W. Hill, securities on a penal bond in Sumter Superior Court.

Also, an act extending the time for collection of taxes in Columbia county.

Also, an act to legalize and make valid the acts of the old Justices of the Peace who have held over.

Also, an act to incorporate the Georgia Land, Immigration and Manufacturing Company.

Also, an act to incorporate the Georgia Life Insurance Company.

Also, an act for the relief of Zachariah Stephenson and others, securities on the Tax Collector's bond in Talbot county, so far as relates to their liability for taxes going to said county.

Also, an act to open and construct a railroad by the way of Canton, in Cherokee county, to the town of Jasper, in the county of Pickens, and to incorporate the same.

Also, an act to incorporate the Georgia Methodist Mutual Life Insurance Company.

Also, a resolution appointing a committee of three from the House and two from the Senate to ascertain if the labors of the several Judges of the Superior Courts of this State cannot be so distributed as to avoid the necessity of creating new circuits.

Also, an act to change the line between the counties of Cherokee and Pickens.

Also, an act to change the corporate limits of the town of Fort Valley, so as to include within said corporate limits all the territory within one mile of the Methodist church of said town.

Also, an act for the relief of Fairman F. Tabor and his wife, Louisa Jane Tabor, formerly Louisa Jane Patch.

Also, an act to amend an act entitled an act to provide for the setting apart and valuation of homestead, assented to October 3, 1868.

Also, an act to incorporate the Savannah and Tybee Telegraph Company, and for other purposes.

Also, an act to amend an act, approved October 3, 1868, to provide for setting apart a homestead of realty and personalty.

Also, an act to amend section 3565 of Irwin's Code, so as to change the length of time Ordinaries are to publish citations to discharge administrators.

Also, an act to incorporate the Van's Valley Manufacturing Company.

Also, an act for the benefit of Dr. John M. C. Todd, of Chambers county, Alabama, authorizing him to erect a dam over the Chattahoochee River, in Harris county, Georgia, and for other purposes.

Also, an act to incorporate the Paramore Hill Manufacturing Company.

Also, an act to incorporate the town of Kingston, in the county of Bartow; to appoint commissioners for the same, and for other purposes.

Also, an act to amend the charter of Athens, and various acts amendatory thereto.

Also, an act to reduce the amount of the official bonds of the Sheriffs of Irwin and Habersham counties.

Also, an act to incorporate the Georgia Slate and Mining Company.

Also, an act to amend an act entitled an act to enlarge the boundaries of the town of LaGrange, and for other purposes, approved March 3, 1856.

Also, an act to alter and amend the 2518th section of Irwin's Code.

Also, an act to amend an act entitled "an act to extend the corporate limits of the town of Hamilton, Harris county, and to create and give additional powers to the corporate authorities of said town, assented to December 19, 1859."

E. I. HIGBEE, Chairman.

Mr. McArthur offered the following resolution, which was laid on the table, to wit:

Resolved, That R. B. Knight, clerk in the Senate, be allowed twenty days to assist A. E. Marshall, Secretary of the Senate, to bring up the unfinished business after the adjournment of the General Assembly.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following acts and resolutions, to wit:

An act for raising a revenue for the political year 1869, and to appropriate money for the use of the government during said year, and to make certain special appropriations, and for other purposes therein mentioned.

An act to provide for the removal of the seat of justice of Camden county, Georgia, from the town of Jeffersonton to the town of St. Marys, or Satilla Mills, in said county.

Also, a resolution authorizing the Governor to draw his warrant upon the Treasurer to pay for copies of the general laws passed at the present session.

A resolution appointing the Hon. Samuel McComb, of Baldwin county, to take charge of the public property at Milledgeville.

An act to repeal sections 1456, 1458, 1459, 1460 and 1461 of Irwin's Revised Code, so far as relates to the counties of Morgan and Houston, and for other purposes.

E. I. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Carrington, the Clerk *pro tem.*:

Mr. President:

The House of Representatives has concurred in the following resolution of the Senate, to wit:

A resolution defining more clearly the duties of Superintendent of Public Works, and giving further protection to the State in lending aid to railroads.

The House has also passed the following bill of the Senate, to wit:

A bill to be entitled an act to incorporate the Atlanta Savings Bank by a constitutional majority of yeas 84, nays 4.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report, to wit:

Mr. President:

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following acts, to wit:

An act to incorporate the Georgia Water Mills Company, of Muscogee county, Georgia, for the manufacture of cotton, paper and other merchandise, and sale of the same.

Also, an act to levy and collect a tax for the support of the government for the year 1869, and for other purposes.

Also, an act to keep in repair the public roads of Burke county, and to levy an annual tax for that purpose.

Also, an act to change the county line between the counties of Johnson and Laurens.

Also, an act to amend the charter of the Georgia Home Insurance Company, of Columbus, Georgia, passed December 12, 1859.

Also, an act to incorporate the town of Social Circle, in the county of Walton, and for other purposes therein mentioned.

Also, an act to authorize the City Council of Rome to subscribe stock in the Memphis Branch Railroad upon certain conditions, and for other purposes.

Also, an act to allow William J. Wilcox, of the county of Coffee, and Willis R. Ivey, of the county of Habersham, to peddle without paying license in their respective counties.

Also, an act to amend an act entitled an act to incorporate the village of Cave Spring, in the county of Floyd, and for other purposes.

Also, an act to incorporate the Etowah Canal and Water Works Company.

Also, an act to incorporate the Georgia Benevolent Mutual Life Insurance Company, and for other purposes therein mentioned.

E. I. HIGBEE, Chairman.

Mr. Candler offered the following resolution, which was taken up, read and adopted, to wit:

"Resolved by the Senate and House of Representatives, That the compilation of the laws of 1868, by James M. Bishop, evidences great care and industry upon the part of the compiler, and that it is due to him, as it is a pleasure to the General Assembly, to formally acknowledge its obligations to him."

Mr. McArthur offered the following resolution, which was taken up, read and adopted, to wit:

"Resolved, That the Senate does hereby especially tender to J. G. W. Mills, Esq., journalizing clerk of the body, its earnest, unanimous thanks for the able, dignified and courteous manner in which he has so promptly and so efficiently discharged the laborious duties of his office."

The Senate took up the resolution of the House appointing a committee, to join such committee as the Senate may appoint, to wait upon his Excellency the Governor and inform him that both branches of the General Assembly are now ready to adjourn *sine die*, &c.

On motion of Mr. Merrill the resolution was concurred in, and the Chair announced as the committee, on the part of the Senate, Messrs. Merrill, Harris and Bruton.

On motion the Secretary was directed to transmit the action of the Senate forthwith to the House of Representatives.

Mr. Higbee, chairman of the Committee on Enrollment, made the following report:

Mr. President:

The Committee on Enrollment report as duly enrolled and signed by the Speaker of the House of Representa-

tives, and ready for the signature of the President of the Senate, the following acts, to wit:

An act to authorize the town commissioners of the town of Spring Place, Murray county, to issue license for the retail of ardent spirits, and for other purposes.

Also, an act to amend section 86 of Irwin's Code, changing the fiscal year so as to make it conform to the calendar year.

Also, an act to appropriate money for the payment of the amounts now due and unpaid to the schools and colleges of this State for the education of indigent soldiers.

Also, an act to change and fix the time of holding the Superior Courts of the counties of Paulding and Towns, and for other purposes.

Also, an act to extend the aid of the State of Georgia to the Alabama & Chattanooga Railroad Company.

Also, an act to amend the several acts incorporating the town of Cartersville.

Also, an act to authorize Battie H. Mitchell to peddle in Coweta county without license.

Also, an act to amend an act entitled an act to amend the several acts of force in relation to the incorporation of the town of West Point, in Troup county, and to incorporate the same under the name of the city of West Point, and to provide for the election of a Mayor and four Aldermen, and such other officers as may be required, and to confer upon them specified powers, and for other purposes therein mentioned.

Also, an act for the encouragement of the agricultural interests of this State by giving planters good credit, and giving proper security to persons who extend such credit, and for other purposes.

Also, an act to carry into effect the thirtieth section of the first article of the Constitution of the State upon the subject of the lien of laborers and mechanics.

Also, an act to incorporate the town of Montezuma, in the county of Macon: also, the village of Rutledge, in the county of Morgan; also, the village of Ray Town, in Taliaferro county.

Also, an act to legalize an election held for Justices of the Peace in the 451st district G. M., of Ware county, on the 31st day of October, 1868, and for other purposes.

Also, an act to regulate insurance business and insurance agencies in the State of Georgia.

Also, a resolution prescribing the mode of drawing the salaries of the Secretary of the Senate and Clerk of the House of Representatives.

Also, an act to incorporate the Muscogee Manufacturing Company, of Columbus, Georgia.

An act to open the Oconee River up to Parks' Mills.

A resolution requesting the Governor to discharge certain employees.

A resolution requesting the Governor not to permit the use of the Senate Chamber, the Hall of the House of Representatives, the caucus or committee rooms for political assemblages, or for any other kind of meeting, unless it be one in which the whole people of the State are represented.

A resolution requesting the State Librarian to discharge the employee in his office.

E. I. HIGBEE, Chairman.

The following message was received from the House of Representatives through Mr. Hardin, the Clerk thereof:

Mr. President:

I am instructed by the House of Representatives to inform the Senate that the House, having completed its business, is now ready to adjourn *sine die*.

Mr. Wellborn offered the following resolution, which was taken up, read and adopted, to wit:

Resolved, That the Secretary be directed to inform the House of Representatives that the Senate, having transacted the business before it, is now ready to adjourn *sine die*.

Mr. Merrill, from the joint committee appointed to wait on his Excellency, made the following report:

Mr. President:

The joint committee appointed to wait on the Governor to inform him that both branches of the General Assembly, having disposed of the business of the session, were ready to adjourn *sine die*, and know of him if he had any communication to make to either branch thereof, have performed that duty, and report that his Excellency has no further communication to make to either branch of the General Assembly, save the tender of his kindest regards to the members, and his sincere wishes for their safe return to their homes, and for their health, prosperity and happiness.

On motion of Mr. Winn the Senate adjourned *sine die*.

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ERRATUM.

In the fifth line, page 32, after the words "Wooten was" read "lost"
or the word "adopted."

